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In the  
**United States Circuit Court of Appeals**  
FOR THE SIXTH CIRCUIT.

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**NATIONAL LABOR RELATIONS BOARD,**  
Petitioner,

v.

**PACKARD MOTOR CAR COMPANY,**  
Respondent.

---

**PETITION FOR ENFORCEMENT OF AN ORDER OF  
THE NATIONAL LABOR RELATIONS BOARD.**

(Filed Dec. 18, 1945.)

To the Honorable, the Judges of the United States Circuit  
Court of Appeals for the Sixth Circuit:

The National Labor Relations Board, pursuant to the National Labor Relations Act (Act of July 5, 1935, 49 Stat. 449, c. 372, 29 U. S. C. § 151 et seq.), respectfully petitions this Court for the enforcement of its order against respondent, Packard Motor Car Company, Detroit, Michigan, and its officers, agents, successors, and assigns. The proceedings resulting in said order are known upon the records of the Board as In the Matters of Packard Motor Car Company and Foreman's Association of America, the same being known as Cases Nos. 7-R-1884, and 7-C-1452, respectively.

In support of this petition, the Board respectfully shows:

(1) Respondent is a Michigan corporation engaged in business in the State of Michigan, within this judicial circuit where the unfair labor practices occurred. This Court therefore has jurisdiction of this petition by virtue of Section 10 (e) of the National Labor Relations Act.

*Petition for Enforcement, etc.*

(2) Upon all proceedings had in said matter before the Board, as more fully shown by the entire record thereof certified by the Board and filed with this Court herein, to which reference is hereby made, the Board on December 6, 1945, duly stated its findings of fact, conclusions of law, and issued an order directed to the respondent, and its officers, agents, successors, and assigns. The aforesaid order provides as follows:

**ORDER.**

Upon the entire record in the case, and pursuant to Section 10 (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that the respondent, Packard Motor Car Company, Detroit, Michigan, and its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Refusing to bargain collectively with Foreman's Association of America, as the exclusive representative of all general foremen, foremen, assistant foremen, and special assignment men employed by the respondent at its plants in Detroit, Michigan;

(b) Engaging in any like or related acts or conduct interfering with, restraining, or coercing its supervisory employees in the exercise of the right to self-organization, to form, join, assist, or bargain collectively through Foreman's Association of America, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection as guaranteed in Section 7 of the Act.

2. Take the following affirmative action, which the Board finds will effectuate the policies of the Act:

(a) Upon request, bargain collectively with Foreman's Association of America as the exclusive representative of all general foremen, foremen, assistant foremen, and special assignment men employed by the respondent at its plants in Detroit, Michigan, in re-

*Petition for Enforcement, etc.*

spect to rates of pay, wages, hours of employment, and other conditions of employment;

(b) Post at its plants in Detroit, Michigan, copies of the notice attached hereto, marked "Appendix A." Copies of said notice, to be furnished by the Regional Director for the Seventh Region, shall, after being duly signed by the respondent's representative, be posted by the respondent immediately upon receipt thereof, and maintained by it for sixty (60) consecutive days thereafter, in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by the respondent to insure that said notices are not altered, defaced, or covered by any other material; and

(c) Notify the Regional Director for the Seventh Region in writing, within ten (10) days from the date of this Order, what steps the respondent has taken to comply herewith.

(3) On December 6, 1945, the Board's Decision and Order was served upon respondent by sending a copy thereof postpaid, bearing Government frank, by registered mail, to respondent's counsel.

(4) Pursuant to Section 10 (e) of the National Labor Relations Act, the Board is certifying and filing with this Court a transcript of the entire record in the proceedings before the Board, including the pleadings, testimony and evidence, findings of fact, conclusions of law, and order of the Board.

Wherefore, the Board prays this Honorable Court that it cause notice of the filing of this petition and transcript to be served upon respondent and that this Court take jurisdiction of the proceeding and of the questions determined therein and make and enter upon the pleadings, testimony and evidence, and the proceedings set forth in the transcript and upon the order made thereupon set forth in paragraph (2) hereof, a decree enforcing in whole said

*Petition for Enforcement, etc.*

order of the Board and requiring respondent, and its officers, agents, successors, and assigns to comply therewith.

**NATIONAL LABOR RELATIONS BOARD,**

By /s/ **A. NORMAN SOMERS,**  
Assistant General Counsel.

Dated at Washington, D. C.,  
this 14th day of December 1945.

District of Columbia, ss: —

A. Norman Somers, being first duly sworn, states that he is Assistant General Counsel of the National Labor Relations Board, petitioner herein, and that he is authorized to and does make this verification in behalf of said Board; that he has read the foregoing petition and has knowledge of the contents thereof; and that the statements made therein are true to the best of his knowledge, information and belief.

/s/ **A. NORMAN SOMERS,**  
Assistant General Counsel.

Subscribed and sworn to before me this 14th day of December 1945.

(Seal) /s/ **JOHN E. LAWYER,**  
Notary Public, District of Columbia.

My Commission Expires August 14, 1949.

*Petition for Enforcement, etc.*

**"APPENDIX A."**

**Notice to All Employees**

Pursuant To

A Decision and Order

of the National Labor Relations Board, and in order to effectuate the policies of the National Labor Relations Act, we hereby notify our employees that:

We Will Not refuse to bargain with Foreman's Association of America as the exclusive representative of our supervisory employees in the bargaining unit described herein.

We Will Not engage in any like or related acts or conduct interfering with, restraining, or coercing our supervisory employees in the exercise of their right to self-organization, to form, join, assist, or bargain collectively through Foreman's Association of America, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection. All our supervisory employees are free to become or remain members of the above-named union.

We Will bargain collectively upon request with the above-named union as the exclusive representative of all supervisory employees in the bargaining unit described herein with respect to rates of pay, hours of employment, or other conditions of employment. The bargaining unit is:

All general foremen, foremen, assistant foremen, and special assignment men employed at the Detroit, Michigan, plants.

**PACKARD MOTOR CAR COMPANY,**

(Employer),

By .....

(Representative) (Title).

Dated .....

This notice must remain posted for 60 days from the date hereof, and must not be altered, defaced, or covered by any other material.

## **BOARD'S DESIGNATION.**

(Filed Dec. 27, 1945.)

Comes now the National Labor Relations Board, petitioner herein, by its Assistant General Counsel, and pursuant to Rule 15 (5) of this Court files this designation of the portions of the transcript of record herein to be contained in the printed record:

1. Petition for enforcement, any response filed thereto, and this designation of record.

2. Certificate of the National Labor Relations Board, together with items 9, 10 and 17 thereof.

3. The entire stenographic transcript of testimony in Case No. 7-R-1884, including the entire stenographic transcript of oral argument held before the Board on February 27, 1945.

4. The following exhibits introduced in evidence in Case No. 7-R-1884:

Board Exhibits Nos. 1, 2, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22.

Petitioner's Exhibits Nos. 1, 2, 5, 6, 7, 8, 9, 12, 13, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, 37, 38, 39, 41, 43, 44, 45.

Company Exhibits Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 24, 25, 31, 32, 42, 43, 44, 45.

5. The entire stenographic transcript of testimony in Case No. 7-C-1452.

6. The following exhibits introduced in evidence in Case No. 7-C-1452:

Board Exhibits Nos. 1, 2, 3, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18.

Respondent's Exhibits Nos. 1, 2, 3, 4.

Dated at Washington, D. C.  
this 20th day of December 1945.

/s/ A. NORMAN SOMERS,  
Assistant General Counsel,  
National Labor Relations Board.



## RESPONDENT'S COUNTER DESIGNATION.

(Filed Jan. 3, 1946.)

Now comes Packard Motor Car Company, a Michigan corporation, Respondent herein, by its attorneys, and pursuant to Rule 15 (5) of this Court files this Counterdesignation of additional portions of the transcript of the record herein to be contained in the printed record:

(1) The following exhibits introduced in evidence in Case No. 7-R-1884:

Petitioner's Exhibit No. 3—insert Articles I, II, III, IV, and Sections 1 and 2 of Article V.

Petitioner's Exhibit No. 4—insert Preamble, Articles I, II, III, IV and Sections 1 and 2 of Article V.

Company Exhibits Nos. 22 to 22j, inclusive, 23 (a) to 23 (i), inclusive, 28, 37, 38, 40, 46, 47, 47a, 47b (print only Section 29 of this exhibit 47b which is the Michigan Unemployment Compensation Act, Act 1 of Public Acts of Michigan Ex. Sess. 1936 as amended, Mich. Stat. Ann. Sec. 17.501 et seq.), that portion of Exhibits 49c, 49d, 49e, 49g, 49h, 49j, 49l, 49n, 49o, 49p, 49t, 49u, 49v, 49w, 49z, 49AA, 49CC, 49DD, 49EE, 49FF, 49GG, 49HH, 49II, 49JJ, 49KK designated and marked in said booklet exhibits of the Radio Addresses of Robert H. Keyes, President of Foreman's Association of America.

(2) The following exhibit introduced in Case No. 7-C-1452:

Board Exhibit No. 10.

Dated: Detroit, Michigan,  
January 2, 1946.

(sgd.) HENRY E. BODMAN,

(sgd.) LOUIS F. DAHLING,

BODMAN, LONGLEY, BOGLE,  
MIDDLETON & ARMSTRONG,

Attorneys for Packard Motor Car  
Company.

*Certificate of National Labor Relations Board*

**BOARD'S COUNTER DESIGNATION.**

(Filed Jan. 7, 1946.)

Comes now the National Labor Relations Board, petitioner herein, by its Assistant General Counsel, and pursuant to Rule 15 (5) of this Court files the Counter Designation of additional portions of the transcript of the record herein to be contained in the printed record:

Those portions of Company Exhibits Nos. 49A-49MM, introduced in Case No. 7-R-1884, not heretofore designated by respondent.

/s/ A. NORMAN SOMERS,

Assistant General Counsel.

**CERTIFICATE OF THE NATIONAL LABOR  
RELATIONS BOARD.**

(Signed December 14, 1945.)

The National Labor Relations Board, by its Chief of the Order Section, duly authorized by Section 1 of Article VI, Rules and Regulations of the National Labor Relations Board—Series 3, as amended, hereby certifies that the documents annexed hereto constitute a full and accurate transcript of the entire record in the proceedings had before said Board entitled, In the Matters of Packard Motor Car Company and Foreman's Association of America, the same being Cases Nos. 7-R-1884 and 7-C-1452, respectively, before said Board, such transcript including the pleadings, testimony and evidence upon which the order of the Board in said proceedings was entered, and including also the findings and order of the Board.



*Certificate of National Labor Relations Board*

Fully enumerated, said documents attached hereto are as follows:

7-R-1884.

(1) Copy of order designating Samuel H. Jaffee Trial Examiner for the National Labor Relations Board, dated December 18, 1944.

(2) Stenographic transcript of testimony held before Samuel H. Jaffee, Trial Examiner for the National Labor Relations Board, on December 18, 1944, through January 4, 1945, together with all exhibits introduced in evidence.

(3) Copy of respondent's telegram, dated January 4, 1945, requesting an extension of time for filing of briefs and for oral argument.

(4) Copy of letter dated January 6, 1945, granting an extension of time for filing of briefs.

(5) Copy of motions for correction of errors in transcript.

(6) Copy of letter to all parties giving them until January 22 for filing objections to motions for corrections of errors.

(7) Copy of respondent's telegram, dated January 1945, requesting further extension of time for filing briefs.

(8) Copy of telegram to all parties, dated January 20, 1945, granting further extension of time for filing of briefs.

(9) Copy of notice of hearing for purpose of oral argument, dated February 12, 1945.

(10) Copy of order correcting record, dated March 26, 1945.

7-C-1452.

(11) Copy of order designating Howard Myers Trial Examiner for the National Labor Relations Board, dated July 9, 1945.

(12) Stenographic transcript of testimony held before

*Certificate of National Labor Relations Board*

Trial Examiner Myers on July 9, 1945, together with all exhibits introduced in evidence.

(13) Copy of the Intermediate Report of Trial Examiner Myers, dated July 18, 1945 (annexed to item 17 hereof).

(14) Copy of order transferring the case to the Board, dated July 20, 1945.

(15) Copy of respondent's exceptions to the Intermediate Report.

(16) Copy of Union's answer to respondent's exceptions to the Intermediate Report.

(17) Copy of Decision and Order issued by the National Labor Relations Board December 6, 1945, with annexed Intermediate Report, together with affidavit of service thereof.

In Testimony Whereof, the Chief of the Order Section of the National Labor Relations Board, being thereunto duly authorized as aforesaid, has hereunto set his hand and affixed the seal of the National Labor Relations Board in the city of Washington, District of Columbia, this 14th day of December 1945.

(Seal)

JOHN E. LAWYER,  
Chief, Order Section,  
National Labor Relations Board.

*Notice of Hearing*

**CASE NO. 7-R-1884.**

**NATIONAL LABOR RELATIONS BOARD**

**WASHINGTON, D. C.**

In the Matter of

**PACKARD MOTOR CAR COMPANY**

and

**FOREMAN'S ASSOCIATION OF  
AMERICA (Independent).**

Case No. 7-R-1884.

**NOTICE OF HEARING.**

(Dated February 12, 1945.)

Please Take Notice that pursuant to authority vested in the National Labor Relations Board under an Act of Congress (49 Stat. 449) a hearing will be held before the National Labor Relations Board on Tuesday, February 27, 1945, at 10:30 a. m., or as soon thereafter as the Board may hear you, in the Hearing Room at 815 Connecticut Avenue Northwest, Washington, D. C., for the purpose of oral argument in the above-entitled matter. Argument will be limited to one-half hour for each party, and you are hereby advised that in view of the Board's docket no request for additional time made at the hearing will be granted.

You may appear and be heard if you so desire.

Should the party requesting oral argument decide not to appear, such party must immediately notify the Board and all other parties. This is necessary in order to avoid serious inconvenience and expense to other parties.

Dated, Washington, D. C., February 12, 1945.

**JOHN E. LAWYER,**

Chief, Order Section.

## ORDER CORRECTING RECORD.

(Dated March 26, 1945.)

Following a hearing before a Trial Examiner in the above-entitled proceeding, the Company and the Association filed motions for the correction of certain errors in the record. Neither party has objected to the corrections proposed by the other.

It Is Hereby Ordered that the record be corrected in accordance with the following list:<sup>1</sup>

Page	Line	Now Reads	Corrections
16	18	1943,	1943, if
	20		Delete "and"
17	2		Delete "either"
26	25	enforce	force
27	1		Add "inference" to end of line
32	16	to that	to on the ground that
37	5	their	our
37-A	6	yes	no
37	7	their	our
39	7	"Foremen's"	"Foreman's"
42	24	Pratt Whitney	Pratt and Whitney
46	1	have	has
46	2	"	"
49	3	"if that is"	"if that was"
49	22	those 3,700	and those 3,700
50	9	"Roush"	"Rausch"
52	13	"	"
52	16	"	"
52	23	wages, classi- fications	wages and classifica- tions

<sup>1</sup> The corrections ordered made herein are in addition to a list of corrections agreed on at the hearing and introduced in evidence as Board Exhibit #22.

# Order Correcting Record

Page	Line	Now Reads	Corrections
59	1	liberaility	liberality
59	15	their	our
67	15	Labor Relations Board	War Labor Board
74	3	May 20	May 9
78	21	it all	it is all
101	14	fair	there
121	24	object because	object to each question because
128	24	December 1	December 4
143	3		Delete comma
153	22	called me	called him
155	2		Strike "did"
155	10	shop	job
156	8	and files	with files
160	15	assume	assumed
165	11	management	members
173	10	thought the	thought was the
173	11		Delete "was"
179	25	grind	grinder.
180	1	"	"
192	25	you	your
206	20	have	had
207	5	I didn't want	and I didn't want
216	4		Delete "not"
225	25	general foremen to general	foremen to general
225	25	inclusive	is inclusive
260	22	were having	was having
271	10	information	statement
291	6	powers	cars
315	18	C. I. O.	U. A. W.-C. I. O.

### *Order Correcting Record*

Page	Line	Now Reads	Corrections
316	14		Add "toward" to end of line
317	18	"Yes"	"No"
322	24		Strike "don't"
339	9		Add "and" to end of line
339	23	of Act	of the Act
348	9	character, that	character-that
	10	denoting its foremen from general back	denoting general foremen back
369	21		Delete "both"-add "and" to end of line
372	24	They	Q. They
372	25		Insert "No."
416	1		Delete "solely"
416	1	"slack"	"slackness"
419	5	line,	line?
	6		Delete "as I take it?"
456	25	"you"	"your"
560	21	airplane	airplanes
636	5	Dayling	Dahling
649	18	Dowling	Dahling
683	4	Bowles	"Bolds"
701	14	reinstantment	reinstatement
712	12	organizational	organization of
728	22	"Beardsmore"	Beardmore
795	17	cards	dice
827	12	mised	misleading
831	4	will not	may
915	1	that department	to that department
990	9	I got	I have got
1014	1	Deisinger	Deislinger

### Order Correcting Record

Page	Line	Now Reads	Corrections
1034	19-20		Delete line 19 and word "Department" in line 20
1035	20		delete "the point of"
1043	10		delete "you nine"
1061	11	Deisinger	Deislinger
1070	1	"	"
1115	19	"	"
1115	20	"	"
1116	4	"	"
1116	13	"	"
1122	16	"	"
1122	24	"	"
1123	3	"	"
1123	7	"	"
1130	14	Q. Was the	Q. The
	14	tools that	tools—that
1145	1	through	to
1145	21	were	are
1147	2	and will	and we will
1159	25	accurte	accurate
1204	2	this	the petitioner's
	4		Delete "part of"
1341	1	the interim	that
	3		Delete "which would come in the complete list"
1344	3	from	by
1390	23		Delete "it"
	24	with automobile	other
1391	1	automobile	ordinary



# Order Correcting Record

Page	Line	Now Reads	Corrections
1406	2		Delete "during the model changes that"
	3	were made during the year oftener than once a year?	during the year?
1449	4	Pazkowsky	Patzkowsky
1450	4	MacAuley	MaCanlay
	8	MacAuley	Macaulay
	18	sends	becomes
1453	13	35	Exhibit 35
	15	tests	taps
1453	23	MacAuley	Macaulay
1469	21	did not substantially carry	substantially carried
1479	7	for	from
	20	recommendation, or	recommendation?
			Delete line
1480	25	We	Q. We
1488	22	another	one
	23	this particular	another
	24	department all right	department?
1503	25	each	ink
1504	6	"	"
1516	1		Delete "of"
	6	what is	what was
1518	14	while	for
1524	15	"invariably	"invariably"
1536	24	more than	more important than



*/ Order Correcting Record*

Page	Line	Now Reads	Corrections
1539	10		Delete comma
	11	responsibility to himself	Responsibility to himself
	11	heading, I	heading—I
	13		Delete "Did you?"
1541	16	leaders	leader
1552	17	processors sent	processes provided
1556	14		Delete "small"
1565	23	does say also on	does
	24		Delete line
1567	15		Delete "what."
1569	12	Packards?	Packard?
1576	18	suppose	presume
1603	23		Delete "which"
1644	6		Delete whole line
	7	what	Q. what
1645	10	decided	divided
1674-A	10	you going	you are going
1696	19	are	care
1708	3	but	and
1713	8	Redirect	Direct
1722	11	lost	lose
1723	16	Redirect	Direct
1746	13	Recross	Cross
1748	10	ain	train
1756	7	maching	machining
1773	9	Redirect	Direct
1783	2	Recross	Cross
1786	2	immaterial	immaterial matter,
	4	competent	comparable
1803	4		Put name Louis F. Dahl- ing under heading "Witness" and "1809" under heading "Direct"

*Order Correcting Record*

Page	Line	Now Reads	Corrections
1805	10	is the	is to determine the
	12	have been	being statements
	13	has	have
1817	4	Court.	Board.
1818	8	be concerned	return
1819	19	direct from	to continue the
1823	28	just like	just not like
1825	2	the	one
1827	24	record	records
1833	8	say would	say I would

Dated, Washington, D. C., March 26, 1945.

By direction of the Board:

CLARA M. MARTIN,  
Acting Chief, Order Section.

*Intermediate Report*

**CASE NO. 7-C-1452.**

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS  
BOARD**

**Trial Examining Division**

**Washington, D. C.**

In the Matter of

**PACKARD MOTOR CAR COMPANY**

and

**FOREMAN'S ASSOCIATION OF  
AMERICA.**

} Case No. 7-C-1452.

Messrs. David Karasick and David Citrin,  
for the Board.

Mr. Louis F. Dahling, of Detroit, Mich.,  
for the respondent.

Mr. Walter M. Nelson, of Detroit, Mich.,  
for the Union.

**INTERMEDIATE REPORT.**

(Dated July 18, 1945.)

**STATEMENT OF THE CASE.**

Upon a charge duly filed on June 6, 1945, by Foreman's Association of America, an unaffiliated organization, herein called the Union, the National Labor Relations Board, herein called the Board, by its Regional Director for the Seventh Region (Detroit, Michigan), issued its complaint on June 28, 1945, against Packard Motor Car Company, Detroit, Michigan, herein called the respondent, alleging that the respondent had engaged in and was engaging in unfair labor practices affecting commerce within the mean-

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ing of Section 8 (1) and (5) and Section 2 (6) and (7) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. Copies of the complaint and the charge, with notice of hearing thereon, were duly served on the respondent and the Union.

With respect to the unfair labor practices, the complaint alleged in substance that (1) on March 26, 1945, the Board in its Decision and Direction of Election in Case No. 7-R-1884<sup>1</sup> found that all general foremen, foremen, assistant foremen, and special assignment men employed by the respondent at its plants in Detroit, Michigan, constituted a unit for the purposes of collective bargaining; (2) on April 28, 1945, the Board in its Certification of Representatives in the same case, certified the Union as the exclusive representative of all the employees in the said unit for the purposes of collective bargaining; and that the Union is still such representative; (3) that on May 18, 1945, although requested to bargain collectively by the Union, the respondent refused to do so; and (4) by the foregoing acts and conduct, the respondent has interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed in Section 7 of the Act.

On July 6, 1945, the respondent duly filed an answer denying the commission of the alleged unfair labor practices. The answer admitted, however, the allegations of the complaint as to the corporate existence of the respondent and the nature, character, and extent of the business transacted by it, and the allegation that it refused to bargain collectively with the Union although the Union had requested it to do so. By way of affirmative defense, the answer asserted that the Board erred in its findings in Case No. 7-R-1884 as to the appropriateness of the unit in question for the reason, inter alia, that the Board had no power, authority or jurisdiction to hold or conduct any hearing in that case, or to issue any decision or direction, or to order the holding of any election, or to issue any certification or order thereon, and that therefore all findings, de-

<sup>1</sup> Matter of Packard Motor Car Company and Foreman's Association of America, 61 N. L. R. B. No. 3

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terminations, directions, and orders therein are unconstitutional without legal force or effect, wholly void, and not binding on the respondent.

Pursuant to notice, a hearing was held on July 9, 1945, at Detroit, Michigan, before Howard Myers, the undersigned Trial Examiner duly designated by the Chief Trial Examiner. The Board, the respondent, and the Union were represented by counsel and participated in the hearing. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing upon the issues was afforded all parties. Before the taking of any evidence, counsel for the respondent moved to dismiss the complaint on the grounds that (1) the persons who compose the unit alleged to be appropriate are not employees within the meaning of the Act; (2) the alleged unit is inappropriate; (3) the Board has no jurisdiction over the subject matter alleged in the complaint; (4) the Board's action, by proceeding herein, is an illegal, unwarranted, arbitrary and unreasonable interference with the rights of the respondent and therefore the Board by proceeding herein is violating the respondent's constitutional rights; (5) the Board may not in this proceeding lawfully order the respondent to bargain collectively with the Union because to do so, the Board would be proceeding contrary to the Act, abusing its discretion, and committing acts detrimental to public interest; (6) the Board has no jurisdiction, power, or right to proceed with Case No. 7-R-1884 and therefore it should not proceed with the present case because this is the outgrowth of the former proceeding; (7) the findings, certification, decisions, and directions issued in Case No. 7-R-1884 are illegal, unconstitutional, null and void, and of no effect and therefore they do not afford a basis for the filing of the complaint in the present proceeding; and (8) the findings, certificate, decisions, and directions issued in Case No. 7-R-1884 are contrary to the evidence submitted therein, beyond the limits of the Board's discretion, an abuse of the Board's discretion, and contrary to the provisions of the Act and therefore they are detrimental to public interest. The motion was denied with leave to renew. At the close of the Board's case,

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Board's counsel moved to conform the complaint to the proof. The motion was granted without objection. The respondent's counsel renewed the motion which he made at the opening of the hearing to dismiss the complaint. The motion was denied with leave to renew. At the conclusion of the hearing, Board's counsel moved to conform the complaint to the proof and the respondent's counsel moved to conform the answer to the proof. Both motions were granted without objection.<sup>2</sup> The respondent's counsel then renewed the motion which he made at the opening of the hearing and at the end of the Board's case to dismiss the complaint. Decision thereon was reserved. The motion is hereby denied.

Upon the entire record in the case, including the record in Case No. 7-R-1884,<sup>3</sup> the undersigned makes, in addition to the above, the following:

#### FINDINGS OF FACT.

##### I. The business of the respondent.

Packard Motor Car Company is a Michigan corporation with its principal office and place of business in Detroit, Michigan. Prior to 1941, the respondent was engaged at its Detroit plants in the manufacture and sale of automobiles. Since 1941, the respondent's manufacturing facilities have been converted to the manufacture of munitions for Army and Navy Ordnance and the respondent is at the present time engaged almost entirely in war production. The respondent annually purchases raw materials valued in excess of \$5,000,000, of which 50 percent is obtained from sources outside the State of Michigan and is shipped to the respondent's plants located in the State of Michigan. The respondent's annual sales of finished products exceed \$5,000,000, of which 90 percent represents sales of

<sup>2</sup> By error, the stenographic transcript does not show that the respondent's motion was granted. It is hereby ordered that the transcript be deemed corrected accordingly.

<sup>3</sup> It was stipulated at the hearing that the record in Case No. 7-R-1884 (including the oral argument before the Board) be included herein.



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such products shipped from the Detroit, Michigan, plants of the respondent to points outside the State of Michigan.

The respondent admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

#### II. The organization involved.

Foreman's Association of America is an unaffiliated labor organization admitting to membership supervisory employees of the respondent.

#### III. The unfair labor practices.

##### *The refusal to bargain*

1. The appropriate unit and representation by the Union of a majority therein.

On March 26, 1945, the Board issued its Decision and Direction of Election in Case No. 7-R-1884 (61 N. L. R. B., No. 3), in which it found that all general foremen, foremen, assistant foremen, and special assignment men employed by the respondent at its plants in Detroit, Michigan, constituted a unit appropriate for the purposes of collective bargaining. On April 17, 1945, an election was held pursuant to the aforesaid Direction of Election. According to the Tally of Ballots certified to by representatives of the respondent and the Union, of the 1315 eligible voters 666 votes were cast for the Union, 435 against, and 155 votes were challenged. No objections to the voting or to the conduct of the election were filed by any of the parties. On April 28, 1945, the Board in its Certification of Representatives, certified the Union as the representative of the employees in the aforesaid unit for the purposes of collective bargaining.

The respondent contests the appropriateness of the unit, referred to above, and hence the subsequent certification of the Union therefor. No additional evidence to support the respondent's contention was introduced in the present hearing except the following: (1) a copy of a

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memorandum issued by Mr. Sam Sponseller, C. I. O. Cleveland Regional Director, in which he states, among other things, that the C. I. O. has opened its membership in a certain named local to all "foremen and supervisory employees, excluding superintendents etc." and solicits membership from among those eligible to join the named local; (2) a copy of an article appearing in the May 27, 1945 issue of the Pittsburgh Press, a Pittsburgh, Pennsylvania, daily newspaper, stating that the United Steelworkers of America, an affiliate of the Congress of Industrial Organizations, plans to organize "all bosses who do not have 'hire and fire' authority"; and (3) an excerpt from the March 1, 1945 issue of "The Searchlight", the official publication of CIO-UAW, Chevrolet Local No. 69, wherein the author states that about 300 Chevrolet foremen had joined the Union herein and that the remaining foremen should join the Union without delay. The undersigned is convinced, and finds, that the evidence relied on by the respondent in this proceeding, including the evidence submitted by it in Case No. 7-R-1884, is insufficient to warrant a finding that the unit heretofore found by the Board to be appropriate is inappropriate.

The undersigned finds that all general foremen, foremen, assistant foremen, and special assignment men employed by the respondent at its plants in Detroit, Michigan, constitute, and during all the times material herein constituted, a unit appropriate for the purposes of collective bargaining. The undersigned further finds that on and after April 28, 1945, the Union was the duly designated bargaining representative of a majority of the employees in the aforesaid appropriate unit, and that, pursuant to the provisions of Section 9 (a) of the Act; the Union was on April 28, 1945, and at all times thereafter has been, and now is, the exclusive representative of all the employees in the aforesaid unit for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.



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#### 2. The refusal to bargain.

By letter dated May 2, 1945, the Union requested the respondent to fix a time and place for the purpose of commencing collective bargaining negotiations. By letter dated May 11, the respondent replied that it would meet with the Union's representatives on May 18. Instead of meeting with the Union's representatives on May 18, the respondent wrote the Union that day stating, among other things, that the respondent considered the Board's proceedings which culminated in the Board's certifying the Union as the collective bargaining representative of the respondent's general foremen, foremen, assistant foremen, and special assignment men, unconstitutional, void, and of no force or effect and therefore the respondent would not recognize the said certification nor would it bargain collectively with the Union as such representative until the issues involved had been finally determined by judicial review. It is clear from the respondent's letter and from the admissions contained in the answer filed by the respondent in this proceeding, that at all times since May 18, 1945, the respondent has not receded from its position as outlined in its letter of May 18. The undersigned accordingly finds that the respondent on May 18, 1945, and at all times thereafter, has refused to bargain collectively with the Union as the exclusive representative of its employees in the appropriate unit, and thereby has interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed in Section 7 of the Act.

#### IV. The effect of the unfair labor practices upon commerce.

The activities of the respondent set forth in Section III above, occurring in connection with the operations of the respondent described in Section I above, have a close, intimate, and substantial relation to trade, traffic, and commerce among the several States, and such of them as have been found to be unfair labor practices, tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

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**V. The remedy.**

Since it has been found that the respondent has engaged in unfair labor practices, it will be recommended that it cease and desist therefrom and take certain affirmative action designed to effectuate the policies of the Act.

Since it has been found that the respondent has refused to bargain collectively with the Union as the exclusive representative of its employees in an appropriate unit, it will be recommended that the respondent, upon request, bargain collectively with the Union.

Upon the basis of the above findings of fact and upon the entire record in the case, the undersigned makes the following:

**Conclusions of Law.**

1. Foreman's Association of America, unaffiliated, is a labor organization, within the meaning of Section 2 (5) of the Act.

2. All general foremen, foremen, assistant foremen, and special assignment men, employed by the respondent at its plants in Detroit, Michigan, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

3. Foreman's Association of America, unaffiliated, was on April 28, 1945, and at all times thereafter has been the exclusive representative of all the employees in the afore-said unit for the purposes of collective bargaining, within the meaning of Section 9 (a) of the Act.

4. By refusing on May 18, 1945, and at all times thereafter, to bargain collectively with Foreman's Association of America, unaffiliated, as exclusive representative of all its employees in the appropriate unit, the respondent has engaged in and is engaging in unfair labor practices within the meaning of Section 8 (5) of the Act.

5. By interfering with, restraining, and coercing its employees in the exercise of the rights guaranteed in Section 7 of the Act, the respondent has engaged in and is engaging in unfair labor practices within the meaning of Section 8 (1) of the Act.

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6. The aforesaid unfair labor practices are unfair labor practices affecting commerce within the meaning of Section 2 (6) and (7) of the Act.

### RECOMMENDATIONS.

Upon the basis of the above findings of fact and conclusions of law, and upon the entire record in the case, including the record in Case No. 7-R-1884, the undersigned recommends that the respondent, Packard Motor Car Company, Detroit, Michigan, its officers, agents, successors and assigns, shall:

1. Cease and desist from:

(a) Refusing to bargain collectively with Foreman's Association of America, unaffiliated, as the exclusive representative of all of its employees in the above described appropriate unit;

(b) Engaging in like or related acts or conduct interfering with, restraining, or coercing its employees in the exercise of the rights to self-organization, to form labor organization, or to join or assist Foreman's Association of America, unaffiliated, or any other labor organization, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, as guaranteed in Section 7 of the Act.

2. Take the following affirmative action, which the undersigned finds will effectuate the policies of the Act:

(a) Upon request bargain collectively with Foreman's Association of America, unaffiliated, as exclusive representative of all its employees in the above described appropriate unit and if an understanding is reached, embody such understanding in a signed agreement;

(b) Post at its plants in Detroit, Michigan, copies of the notice attached hereto, marked "Appendix A". Copies of said notice, to be furnished by the Regional Director of the Seventh Region, shall, after being duly signed by the respondent's representative, be posted by the respondent immediately upon receipt thereof, and maintained by it for

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sixty (60) consecutive days thereafter, in conspicuous places, including all places where notices to employees are customarily posted.. Reasonable steps shall be taken by the respondent to insure that said notices are not altered, defaced, or covered by any other material;

(c) Notify the Regional Director for the Seventh Region (Detroit, Michigan), in writing, within ten (10) days from the receipt of this Intermediate Report, of what steps the respondent has taken to comply herewith.

It is further recommended that unless, on or before ten (10) days from the date of the receipt of this Intermediate Report, the respondent notifies the said Regional Director in writing that it will comply with the foregoing recommendations, the National Labor Relations Board issue an order requiring the respondent to take the action aforesaid.

As provided in Section 33 of Article II of the Rules and Regulations of the National Labor Relations Board, Series 3, as amended, effective July 12, 1944, any party or counsel for the Board may within fifteen (15) days from the date of the entry of the order transferring the case to the Board, pursuant to Section 32 of Article II of said Rules and Regulations file with the Board, Rochambeau Building, Washington, D. C., an original and four copies of a statement in writing setting forth such exceptions to the Intermediate Report or to any other part of the record or proceeding (including rulings upon all motions or objections) as he relies upon, together with the original and four copies of a brief in support thereof. Immediately upon the filing of such statement of exceptions and/or brief, the party or counsel for the Board filing the same shall serve a copy thereof upon each of the other parties and shall file a copy with the Regional Director. As further provided in said Section 33, should any party desire permission to argue orally before the Board, request therefor must be made in writing within ten (10) days from the date of the order transferring the case to the Board.

HOWARD MYERS,

Trial Examiner.

Dated: July 18, 1945.

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APPENDIX A.

**Notice to All Employees**

Pursuant to

the Recommendations of a Trial Examiner

of the National Labor Relations Board, and in order to effectuate the policies of the National Labor Relations Act, we hereby notify our employees that:

We Will Not in any manner interfere with, restrain, or coerce our employees in the exercise of their right to self-organization, to form labor organizations, to join or assist Foreman's Association of America or any other labor organization, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection. All our employees are free to become or remain members of this union, or any other labor organization.

We Will Bargain collectively upon request with the above-named union as the exclusive representative of all employees in the bargaining unit described herein with respect to rates of pay, hours of employment or other conditions of employment, and if an understanding is reached, embody such understanding in a signed agreement. The bargaining unit is: all general foremen, foremen, assistant foremen, and special assignment men employed at the Detroit, Michigan, plants.

PACKARD MOTOR CAR COMPANY,

(Employer),

By .....  
(Representative) (Title).

Dated .....

This notice must remain posted for 60 days from the date hereof, and must not be altered, defaced, or covered by any other material.



## DECISION AND ORDER.

(Issued December 6, 1945.)

On July 18, 1945, the Trial Examiner issued his Intermediate Report in the above-entitled proceeding, finding that the respondent had engaged in and was engaging in certain unfair labor practices, and recommending that it cease and desist therefrom and take certain affirmative action, as set forth in the copy of the Intermediate Report attached hereto. Thereafter, the respondent filed exceptions to the Intermediate Report and a supporting brief. No request for oral argument before the Board at Washington, D. C., was made by any of the parties and none was held. The Board has reviewed the rulings of the Trial Examiner and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Intermediate Report, the respondent's exceptions and brief, and the entire record in the case, and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner, save insofar as the recommendations are modified in our Order set forth below.

### ORDER.

Upon the entire record in the case, and pursuant to Section 10 (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that the respondent, Packard Motor Car Company, Detroit, Michigan, and its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Refusing to bargain collectively with Foreman's Association of America as the exclusive representative of all general foremen, foremen, assistant foremen, and special assignment men employed by the respondent at its plants in Detroit, Michigan;

(b) Engaging in any like or related acts or conduct interfering with, restraining, or coercing its supervisory employees in the exercise of the right to self-organization, to



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form, join, assist, or bargain collectively through Foreman's Association of America, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection as guaranteed in Section 7 of the Act.

2. Take the following affirmative action, which the Board finds will effectuate the policies of the Act:

(a) Upon request, bargain collectively with Foreman's Association of America as the exclusive representative of all general foremen, foremen, assistant foremen, and special assignment men employed by the respondent at its plants in Detroit, Michigan, in respect to rates of pay, wages, hours of employment, and other conditions of employment;

(b) Post at its plants in Detroit, Michigan, copies of the notice attached hereto, marked "Appendix A." Copies of said notice, to be furnished by the Regional Director for the Seventh Region, shall, after being duly signed by the respondent's representative, be posted by the respondent immediately upon receipt thereof, and maintained by it for sixty (60) consecutive days thereafter, in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by the respondent to insure that said notices are not altered, defaced, or covered by any other material; and

(c) Notify the Regional Director for the Seventh Region in writing, within ten (10) days from the date of this Order, what steps the respondent has taken to comply herewith.

Signed at ~~Washington~~ Washington, D. C., this 6th day of December 1945.

PAUL M. HERZOG,  
Chairman,

JOHN M. HOUSTON,  
Member,

National Labor Relations Board.

(Seal)

*Decision and Order*

Chairman Paul M. Herzog, concurring:<sup>1</sup>

The issues in this case cannot be analyzed in terms of black and white. They present a study in grey. Both company and union present their arguments in good faith; no one can be wholly right or wholly wrong in a matter of this sort. But the Board remains faced with the responsibility of deciding which is nearer right, in the light of the announced policies of the Act.

Although there has sometimes been a tendency to assume that the issue before us is whether foremen should or should not join unions, that assumption misconceives the Board's function. We are faced, instead, with the narrower question of whether, granting that many foremen have now decided that "the necessities of the situation"<sup>2</sup> dictate that they seek to bargain through an unaffiliated union, the Act affords them access to the orderly administrative machinery that is concededly available to rank-and-file employees. I think that it does.

The company asserts that its supervisory employees are not "employees" at all, but "employers."<sup>3</sup> To the extent that foremen may sometimes speak for or bind a respondent in dealing with their subordinates, because then "acting in the interest of an employer," they are "employers" within the meaning of the Act. Here, however, we are not concerned with foremen's relations with their subordinates, but with their own status vis-a-vis the company that hires, discharges and compensates **them** and that directs **their** work. In that relation the company is the employer and the foreman the employee; when they sit on opposite

<sup>1</sup> Not having been a Member of the Board when the representation case was heard and decided, I have thought it only proper to set forth these views, after examining the record, the briefs and the minutes of oral argument in that earlier proceeding. **Matter of Packard Motor Car Company**, 61 N. L. R. B. 4, decided March 26, 1945. Concurrence here may be taken as agreement with the representation decision, although I might not have joined in every sentence or every metaphor. I join fully with Mr. Houston in the present order, believing that this company should bargain with the union selected by its foremen.

<sup>2</sup> **N. L. R. B. v. Jones & Laughlin Corporation**, 301 U. S. 1, 33.

<sup>3</sup> Sections 2 (2) and 2 (3).

### *Decision and Order*

sides of the bargaining table, their interests are momentarily adverse. This is true whether they bargain individually or collectively. The foreman is not acting in the interest of an employer "when he seeks to improve his own working conditions; he is acting for himself. The company suggests that the same man cannot, in logic, be both employer and employee. But "the life of the law has not been logic; it has been experience."<sup>4</sup> High judicial authority has held that a foreman can be both employer and employee;<sup>5</sup> the Board, including our dissenting colleague, has always held him to be both;<sup>6</sup> the facts of industrial life have made him both.

All employees may ask our protection in the exercise of the rights declared in Section 7 of the Act, unless another section can be found to bar that result. One protected right is that of employees to bargain collectively through representatives of their own choosing. Because the Board, even when denying protection, has never doubted that a foreman is an "employee," the majority opinion in **Maryland Drydock** and the dissent in the **Packard** representation case were based largely upon the theory that foremen do not constitute a unit appropriate for the purposes of collective bargaining." The theory assumes that because Congress, by Section 9 (b) of the Act, empowered the Board to determine which of several units is appropriate "in order to insure to employees the

<sup>4</sup> O. W. Holmes, *The Common Law*, p. 1.

<sup>5</sup> *N. L. R. B. v. Skinner & Kennedy*, 113 F. (2d) 667, at 670, where the court said, "A foreman, in his relation to his employer, is an employee, while in his relation to the laborers under him he is the representative of the employer and within the definition of Section 2 (2) of the Act \* \* \*." These definitions in the Act "are not mutually exclusive." *N. L. R. B. v. Armour and Co.* (C. C. A. 10, Nov. 5, 1945), 17 L. R. R. 372, 373.

The fact that a man promoted to a foremanship may become an "arm of management" does not mean that he thereupon ceases to be an employee of management. This view is consistent with the familiar legal doctrine that an agent, although he must act in behalf of his principal as against third persons, does not forfeit his rights against that principal where their relations with one another are in issue.

<sup>6</sup> *Matter of Maryland Drydock Company*, 49 N. L. R. B. 733 (1943); *Matter of Soss Manufacturing Company*, 56 N. L. R. B. 348 (1944).

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full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this Act," it also authorized us to find that persons who are employees belong in no unit at all. The assumption is open to question.

It seems much more probable that Congress intended Section 9 (b) to authorize the Board ~~to~~ **group** employees appropriately rather than to exclude them from coverage. The only express exclusions appear in Section 2 (3).<sup>7</sup> The language of Section 9 (b) is language of classification.<sup>8</sup> It empowers the Board to select between alternatives; we are to "decide in each case whether" employees should vote and bargain in an "employer unit, craft unit, plant unit, or subdivision thereof."<sup>9</sup> It nowhere suggests that we should hold that, despite their desires, certain employees may never utilize the Act to select some representative or to bargain in any unit whatsoever.<sup>6</sup> Under the power to classify the Board may, and properly does, segregate supervisory employees from their subordinates, as by declining to place them in the same unit with rank-and-file employees. Here, however, we are not asked to segregate, but to ostracize. Even assuming that Section 9 (b) might

<sup>7</sup> These exclusions are limited to agricultural, domestic, and family workers. Supervisory employees are not mentioned; no Member of the Board suggested their exclusion until as late as 1942.

<sup>8</sup> The 1935 Congressional committee hearings and reports are to the same effect.

<sup>9</sup> See *Matter of Bee Line, Inc.*, 6 N. Y. S. L. R. B. 686, 695 (1943).

"The concept of appropriate unit is an affirmative one, intended to bring about the most desirable form of organization. It is not a negative concept to be used as a means of denying all bargaining rights under the Act to a given group of employees in all circumstances. Once it is determined that a group of persons are employees, they have a right under the Act and the Constitution of the State of New York to be placed in some appropriate unit—that one which will best facilitate their participation in the practice and procedure of collective bargaining."

Of course, the reference to the State Constitution is immaterial here. It might be noted that the New York Board still adheres to this view, despite a change in personnel under a different State Administration.

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permit such a result,<sup>10</sup> that particular section certainly cannot be said to encourage it.

There are practical problems before us as well as legal ones. The company is deeply concerned at the foremen's decision to join an unaffiliated labor organization. The company's concern is as understandable as is its employees' decision. Both flow from the character of American industrial life in the 1940's. The company is troubled lest the unionization of its foremen detract from the single-minded loyalty which it considers essential to efficient mass production; the foremen have thought collective action necessary because they believe that individual bargaining has not afforded them the protection that men require in a large, inevitably depersonalized, plant. Self-interest is present on both sides, and so is fear. Fear, perhaps more than self-interest, is a ready cause of industrial strife. In the long run, collective bargaining will tend to reduce both the cause and the effect. It will provide more fertile soil for the ultimate loyalty of foremen than can the resentment that is likely to be engendered by hostile disregard of their chosen representatives.

Bargaining can only succeed, however, if responsible unions representing supervisory employees, once their legal rights are established, recognize the validity of some of management's special fears and seek to dispel them by the terms of the ultimate bargain.<sup>11</sup> Many of the problems arising from possible dual allegiance, which give Mr. Reilly such genuine concern, are particularly susceptible of this treatment. Such problems flow inevitably from the foremen's dual existence. They cannot be made to dis-

<sup>10</sup>This view as to the limited power vested in the Board under Section 9 (b) is not to be taken to mean that the Board lacks discretion to decline to proceed with a representation case upon proper cause shown. Our view of the fundamental policies of the Act may sometimes require the Board to decline, despite the danger of strikes, to make its machinery available to effectuate every choice that employees may make. See *Matter of Briggs-Indiana Corporation*, 63 N. L. R. B. 1270. Section 9 (c) of the N. L. R. A. provides that this Board "may," not that it must, investigate a question concerning representation and certify the representatives selected. This differentiates the Act from certain State statutes, such as that of New York, which contain mandatory language.

<sup>11</sup>See *Matter of Delparke Realty Corporation*, 6 N. Y. S. L. R. B. 907.



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appear simply by telling foremen that the Wagner Act is not available to them. American management has shown such resilient genius that, once foremen's representatives lose their sense of insecurity and can adopt a policy of self-restraint, the parties will find a way to resolve their occasional conflict of interest. Government cannot resolve that conflict for them. But it can intercede to lay the groundwork for reasoned negotiation, so that that which seems anathema today may become habitual tomorrow.

It is not for this Board to determine whether supervisory employees, sensing inequality of bargaining power, should seek to better their lot by exercising the right of free association. They have already done so. In this case we need only decide whether the Act's peaceful processes are to be proffered or denied to employees who, for reasons known best to themselves, desire to act in unison through what appears to be a truly independent union.<sup>12</sup> In the absence of any Court decision,<sup>13</sup> Congressional mandate, or other declaration of national policy to the contrary,<sup>14</sup> and in the further absence of proof that collective bargaining by supervisory employees has failed where it has been attempted,<sup>15</sup> it is better that a Board

<sup>12</sup> The fact that the Foreman's Association's interests, and therefore its actions, may sometimes coincide with those of rank-and-file employees does not suffice to convert natural sympathy into partnership. Collaboration may be relevant, but the presumption that a constitutionally autonomous organization is in fact autonomous is not so easily rebutted. Affiliation per se is not before us here, and Mr. Houston and I do not pass, one way or the other, upon its possible effect.

<sup>13</sup> Indeed, a State Board order finding appropriate a unit of supervisors has been enforced by the courts in the test case of *New York State Labor Relations Board v. Metropolitan Life Insurance Company et al.*, 183 N. Y. Misc. 4064, affirmed by the Appellate Division, First Department, at 114 N. Y. Law Journal, p. 1075 (October, 1945). There are no contrary Federal decisions.

<sup>14</sup> The Labor-Management Conference reached no conclusion on this subject.

<sup>15</sup> The history of bargaining by supervisory employees in the maritime and railroad industries and in the printing and building trades establishes, at the least, that collective agreements can be made to work in practice. So also does the testimony adduced in the Packard representation case concerning the Foreman's Association's current contract with the Ford Motor Company.

The record is barren of any proof that the Packard foremen have been disloyal to the company or less efficient as supervisors because of their membership in the Association, or that such membership has operated to deprive the rank-and-file employees of their primary rights under the Act.



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dedicated to encouraging the bargaining process move forward, not backward,<sup>16</sup> and continue to put a premium on the conference table rather than on the harsh arbitrament of industrial war. The more difficult the problem, the more important it is that the stage be set for men to sit down and reason together.

Signed at Washington, D. C., this 6th day of December, 1945.

PAUL M. HERZOG,

Chairman,

National Labor Relations Board.

Gerard D. Reilly, dissenting:

Since the respondent does not deny that it has refused to bargain with the charging labor organization in this case, the issue before us is the same one upon which we passed in our Decision and Direction of Election in case 7-R-1884,<sup>1</sup> the representation matter which resulted in the certification upon which the complaint in the instant proceeding is premised. The findings of the Trial Examiner to which respondent has taken exception rest almost entirely upon the evidence submitted in that preliminary phase of the case, except for three exhibits which the respondent introduced as additional support for its position.

Having set forth at some length my disagreement with the views of the majority in the representation case, I see no reason for repeating them here, since the dissenting opinion is a part of the record, other than to note that the additional documentary evidence contained in this case strengthens my inference that the charging union is not truly independent, but rather an organization whose fate is inextricably bound up with the policy of the United Automobile Workers, the CIO union which represents the rank and file employees in respondent's plant.<sup>2</sup> This being

<sup>16</sup> Two reversals in as many years are enough.

<sup>1</sup> Matter of Packard Motor Car Company, 61 N. L. R. B. 4.

<sup>2</sup> Particularly reference is made to an excerpt from the March 1, 1945, issue of "The Searchlight," an official publication of the Chevrolet Local No. 69 of the United Automobile Workers (CIO), stating that about 300 Chevrolet foremen had joined the Foreman's Association and that the rest of the foremen in that company should join this group without delay.

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the case, we do have a situation here which presents a genuine question of divergent loyalties,—the conflict arising from the foreman's duty to his employer to enforce the company rules with respect to subordinate employees, and his allegiance to a union allied with one representing the interests of those very subordinates. Consequently, I am unable to agree with the view expressed in the special concurrence of the Chairman that the concerted activities of the foremen here are solely directed at improving the wages and working conditions of the foreman vis-a-vis their employer. That is of course their ultimate objective, but its attainment necessarily contemplates compromising the members of the charging organization in the discharge of the duties they were hired to perform.

If the certified organization were really independent or took steps to guarantee against future instances of collaboration, or if the certification contained safeguards which would effectively insulate its activities from the union of the rank and file, I should feel quite differently about the matter.

Signed at Washington, D. C., this 6th day of December, 1945.

GERARD D. REILLY,  
Member,  
National Labor Relations Board.

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**"APPENDIX A."**

**Notice to All Employees**

Pursuant To

A Decision and Order

of the National Labor Relations Board, and in order to effectuate the policies of the National Labor Relations Act, we hereby notify our employees that:

We Will Not refuse to bargain with Foreman's Association of America as the exclusive representative of our supervisory employees in the bargaining unit described herein.

We Will Not engage in any like or related acts or conduct interfering with, restraining, or coercing our supervisory employees in the exercise of their right to self-organization, to form, join, assist, or bargain collectively through Foreman's Association of America, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection. All our supervisory employees are free to become or remain members of the above-named union.

We Will bargain collectively upon request with the above-named union as the exclusive representative of all supervisory employees in the bargaining unit described herein with respect to rates of pay, hours of employment, or other conditions of employment. The bargaining unit is:

All general foremen, foremen, assistant foremen, and special assignment men employed at the Detroit, Michigan, plants.

**PACKARD MOTOR CAR COMPANY,**

(Employer),

By .....

(Representative) (Title).

Dated .....

This notice must remain posted for 60 days from the date hereof, and must not be altered, defaced, or covered by any other material.

*Decision and Order*

**AFFIDAVIT AS TO SERVICE.**

District of Columbia, ss:

I, Mary Moss, being first duly sworn, on oath saith that I am one of the employees of the National Labor Relations Board, in the office of said Board in Washington, D. C.; that on the 6th day of December, 1945, I mailed postpaid, bearing Government frank, by registered mail, a copy of the Decision and Order [and Intermediate Report] to the following-named persons, addressed to them at the following addresses:

Foreman's Association of America  
Att: Walter M. Nelson, Esquire  
1438 Dime Bank Building  
Detroit, Michigan

Packard Motor Car Company  
Detroit, Michigan

Bodman, Longley, Bogle, Middleton and Armstrong  
Att: Louis F. Dahling, Esquire  
1400 Buhl Building  
Detroit, Michigan

/s/ • MARY MOSS.

Subscribed and sworn to before me this 6th day of December, 1945.

/s/ VINCENT THOMPSON,  
Designated Agent for the National  
Labor Relations Board.

## **TRANSCRIPT OF TESTIMONY**

**Case No. 7-R-1884.**

### **Certificate.**

This is to certify that the attached proceedings before the National Labor Relations Board for the Seventh Region in the matter of:

Packard Motor Car Company

and

Foreman's Association of America

Case No. 7-R-1884

Detroit, Michigan,

Monday, December 18, 1944

were had as therein appears, and that this is the original transcript thereof for the files of the Board.

**ETHEL E. FISHER AND ASSOCIATES,**  
Official Reporters,

By **ROSEMARY ORNELAS,**  
Field Reporter.

*Caption and Appearances*

1\*

Before the  
NATIONAL LABOR RELATIONS BOARD,  
Seventh Region.

In the Matter of—

PACKARD MOTOR CAR COMPANY

and

FOREMAN'S ASSOCIATION OF  
AMERICA.

Case No.  
7-R-1884.

Rooms 715-716 Federal Building,  
Detroit, Michigan,  
Monday, December 18, 1944.

Pursuant to notice, the above-entitled matter came on  
for hearing at 10 A. M.

Before:

Samuel H. Jaffee, Trial Examiner.

Appearances:

David Karasick, Esq., appearing for the National  
Labor Relations Board, Detroit, Michigan.

Messrs. Bodman, Longley, Bogle, Middleton and Arm-  
strong, by Louis F. Dahling, Esq., 1400 Buhl  
Building, Detroit, Michigan, Appearing for the  
Company, and

Messrs. Beaumont, Smith and Harris, by Percy Dono-  
van, Esq., Ford Building, Detroit, Michigan, also  
appearing for the Company.

Walter M. Nelson, Esq., 1438 Dime Building, Detroit,  
Michigan, appearing in behalf of the Petitioner.

\* Inset numbers appearing at outer edge of text indicate page numbers  
of original stenographic transcript of testimony.



PROCEEDINGS.

Trial Examiner Jaffee: We will be in order, gentlemen.

This is a formal hearing before the National Labor Relations Board, in the matter of Packard Motor Car Company and Foreman's Association of America, Case No. 7-R-1884. The Trial Examiner appearing for the National Labor Relations Board is Samuel H. Jaffee. It has been indicated informally off the record, prior to the start of this hearing, that the appearances will be as follows: For the Board, David Karasick; for the Company, Mr. Louis F. Dahling of Bodman, Longley, Bogle, Middleton and Armstrong, 1400 Buhl Building, Detroit, Michigan, and Percy Donovan, of Beaumont, Smith and Harris, Ford Building, Detroit, Michigan. For the Foreman's Association, Mr. Walter M. Nelson, 1438 Dime Building, Detroit, Michigan, and Robert H. Keys, 515 Barlum Tower, Detroit, Michigan.

Mr. Dahling: Mr. Albert E. Meder, of Beaumont, Smith and Harris, was supposed to appear this morning, but had other engagements. He may also appear later in this hearing.

Trial Examiner Jaffee: Very well. We will enter his appearance when he does appear.

The parties are informed that the official reporter makes the only official transcript of these proceedings. All citations in briefs and arguments must refer to the official record. After the close of the hearing, one or more of the parties may wish to have corrections made in the record. All such proposed corrections, either by way of stipulation or motion, should be forwarded to the Board in Washington instead of to the Trial Examiner inasmuch as the Trial Examiner has no power to make any rulings in connection with the case after the hearing is closed.

Statements of reasons in support of motions or objections should, of course, be as concise as possible. All matters that are spoken in the hearing room are recorded by the official reporter while the hearing is in session, unless the Trial Examiner orders an off-the-record discussion. I may add that I prefer not to go off the record unless all the parties consent to it specifically or indicate it in one way or another that they do not object. In the

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event, however; that any of the parties wish to make off-the-record remarks, requests to make such remarks should be directed to the Trial Examiner and not to the official reporter. Exceptions and objections may, upon proper request, be permitted to stand to an entire line of questioning. Automatic exceptions follow all adverse rulings. Five copies of all pleadings, including the original, submitted during the hearing are to be filed with the Trial Examiner.

You may proceed, gentlemen.

Mr. Karasick: Will you mark these papers as  
5 Board's Exhibits 1 to 12 for identification?

(Thereupon, the documents above referred to were marked Board's Exhibits Nos. 1 through 12, for identification.)

Mr. Karasick: Mr. Examiner, I have had the formal documents in this proceeding marked as Board's Exhibits 1 to 12, both inclusive, for identification. These formal documents are as follows:

Board's Exhibit 1, for identification, is the petition for certification of representatives filed in the Seventh Regional Office of the National Labor Relations Board on October 20, 1944, by Robert H. Keys, President of the Foreman's Association of America.

Board's Exhibit 2, for identification, is a Notice of Hearing issued by Frank H. Bowen, Regional Director for the Seventh Regional Office of the National Labor Relations Board on November 25, 1944.

Trial Examiner Jaffee: For hearing when?

Mr. Karasick: The Notice of Hearing sets the date of hearing as December 4, 1944.

Board's Exhibit 3, for identification, is the Trial Examiner's Statement in "R" cases, a copy of which has been served upon each of the parties to this hearing.

Mr. Donovan: What is that form number? Is it Z-1057? Did you mention that form number?

Mr. Karasick: You have received that?

6 Mr. Donovan: No, I have not.

Mr. Karasick: In formal service of the papers by the Board, did counsel for the Company receive this form?

Mr. Dahling: Yes, the form has been received.

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Mr. Karasick: You mean, Mr. Donovan, that you have not an individual copy?

Mr. Donovan: If you have an extra copy, I would appreciate it.

Mr. Karasick: I will obtain one, yes.

Board's Exhibit 4 for identification is an affidavit as to service of Notice of Hearing, Petition and Trial Examiner's Statement in "R" cases upon each of the parties to this proceeding, together with the Return Post Office Receipts attached thereto.

Board's Exhibit 5 for identification is a letter written on the letterhead of the Packard Motor Car Company addressed to Mr. Frank H. Bowen, Regional Director of the Seventh Region, National Labor Relations Board, Detroit, Michigan, and signed by A. G. Denison, which letter contains a request on behalf of the Company that the hearing originally scheduled for December 4, 1944 be postponed to December 11, 1944.

Trial Examiner Jaffee: What is the date of that letter?

Mr. Karasick: The date of the letter is November 27, 1944. I might also add that a stamp appears on the face of the letter showing that it was received in the Seventh Regional Office of the National Labor Relations Board on November 29, 1944.

Board's Exhibit 6 for identification is the Notice of Postponement of Hearing issued by Frank H. Bowen, Regional Director of the Seventh Regional Office of the National Labor Relations Board on November 29, 1944, which notice postponed the hearing originally scheduled for December 4 to December 11, 1944.

Board's Exhibit 7 for identification is the Affidavit as to Service of the Notice of Postponement of the Hearing upon each of the parties to this proceeding, together with return Post Office receipts attached thereto.

Board's Exhibit 8 for identification is the Motion by counsel for petitioning Union for a continuance of the hearing from December 11 to December 26, 1944.

Mr. Donovan: What is the date of that letter?

Mr. Karasick: Which Notice or Motion is dated December 8, 1944 and was received on the same day at the Seventh Regional Office of the National Labor Relations Board.

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Trial Examiner Jaffee: You say the motion was to continue from December 11 to December 26?

Mr. Karasick: That is correct.

Trial Examiner Jaffee: Motion was filed when?

8 Mr. Karasick: December 8.

Mr. Donovan: May I see that exhibit, please?

Mr. Karasick: I will show them all to you later.

Board's Exhibit 9 for identification is a Notice of Postponement of Hearing from December 8, 1944 to—I beg your pardon, from December 11 to December 18, 1944, which was issued by Frank H. Bowen, Regional Director for the Seventh Regional Office of the National Labor Relations Board on December 8, 1944.

Board's Exhibit 10 for identification is the Affidavit as to Service of the Notice of Postponement of Hearing from December 11 to December 18, 1944 upon each of the parties to this proceeding, together with return Post Office receipts attached thereto.

Board's Exhibit 11 for identification is a Notice of Change of Place of Hearing issued by Frank H. Bowen, Regional Director for the Seventh Regional Office, National Labor Relations Board, on December 13, 1944.

Board's Exhibit 12 for identification is the Affidavit as to Service of the Notice of Change of Place of Hearing upon each of the parties to this proceeding, together with return Post Office receipts attached thereto.

I offer these documents in evidence as Board's Exhibits 1 to 12, both inclusive and herewith submit them to the parties for their inspection.

9 Are all the exhibits here, counsel?

Mr. Dahling: No objections.

Trial Examiner Jaffee: They are received.

(The documents heretofore marked Board's Exhibits 1 to 12, both inclusive, for identification were received in evidence.)

Mr. Karasick: Mr. Examiner, I would like to request at this time a five minute recess for the purpose of discussing with counsel for the Company certain issues in this case which I believe can be disposed of by stipulation and which will save a considerable amount of hearing time.

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Trial Examiner Jaffee: Very well, we will take a five minute recess.

(Recess.)

Trial Examiner Jaffee: On the record.

Mr. Karasick: Mr. Examiner, I have had marked as Board's Exhibit Number 13, for identification, a stipulation and agreement by and between counsel for the Packard Motor Car Company and myself as counsel for the Board, with respect to facts concerning the business operations of the Company. I offer this document in evidence as Board Exhibit Number 13.

Mr. Nelson: There is no objection. I have read the paper.

Mr. Dahling: No objection.

Trial Examiner Jaffee: Received.

(Thereupon the document above referred to was marked Board's Exhibit No. 13 for identification and received in evidence.)

10 Mr. Karasick: Will you mark this Board Exhibit Number 14?

(The document referred to was marked for identification as Board Exhibit No. 14.)

Mr. Karasick: I have also had marked as Board Exhibit Number 14, for identification, a copy of a letter dated November 25, 1944, on the letterhead of the Foreman's Association of America, addressed to Mr. Elmer Patzowski, Manager of Industrial Relations of the Packard Motor Car Company, Detroit, Michigan, and signed by Mr. Robert H. Keys, President, Foreman's Association of America, which letter contains a statement, in substance, that the Foreman's Association represents the majority of the employees engaged as foremen by the Packard Motor Car Company, and requests the Company to meet and negotiate with the Association on behalf of such persons. It is my understanding that counsel agree that the copy of the letter now offered as Board Exhibit Number 14 is a true and accurate copy of the original.

I offer this document in evidence as Board Exhibit Number 14.

Mr. Dahling: No objection.



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Mr. Nelson: No objection.

Mr. Karasick: It is admitted, is it not, counsel, that this is a true and accurate copy received by the Company?

11 Mr. Dahling: It is admitted.

Trial Examiner Jaffee: Received.

(The document heretofore marked for identification as Board Exhibit No. 14 was received in evidence.)

Mr. Karasick: In connection with Board Exhibit Number 14, Mr. Examiner, I would like to state for the record my understanding of an agreement between the parties. It is my understanding that the Packard Motor Car Company and the Foreman's Association of America, through their respective counsel, stipulate and agree that the copy of the letter which has been received in evidence, the original of which was received by the Company in due course of mail shortly after the date borne on the letter, and that the Company has not replied to such letter. Is that a correct statement, counsel?

Mr. Dahling: That statement is correct.

Mr. Nelson: It is so stipulated.

Mr. Karasick: Mr. Examiner, in a prior case, number 7-R-1279, there was involved a question concerning representation by the petitioning Union in this proceeding with respect to foremen employed by the Packard Motor Car Company, which resulted in a consent election conducted by the Seventh Regional Office of the Board. I have had the formal documents in case number 7-R-1279 marked as

12 Board Exhibits 15 to 19, both inclusive, for identification, and I wish to offer these documents in evidence at this time as a matter of convenience for the Board. These formal documents are as follows:

Board's Exhibit 15 for identification is a copy of the petition for investigation and certification of representatives pursuant to Section 9-C, National Labor Relations Board Act in the Seventh Regional Office of the National Labor Relations Board on January 15, 1944 on behalf of the Foreman's Association of America.

Board's Exhibit 16 for identification is the copy of the agreement for consent election entered into on the first



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day of February, 1943 by and between the Packard Motor Car Company and the Foreman's Association of America.

Board's Exhibit 17 for identification is a carbon copy of certification of counting and tabulating of ballots, of the election held pursuant to consent election agreement on February 24, 1943. This document, I might add, contains the original signature of representatives of the parties involved in that proceeding.

Mr. Dahling: Is that Exhibit 17 you are referring to?

Mr. Karasick: Yes. Board's Exhibit 18 for identification is a carbon copy of certification of conduct of election in Case Number 7-R-1279, which also contains the original signatures of representatives of the parties in that proceeding.

13 Board's Exhibit 18 for identification—

Trial Examiner Jaffee: (Interposing) 19, Mr. Karasick.

Mr. Karasick: I beg your pardon, Board's Exhibit 19 is correct. Board's Exhibit 19 for identification is a carbon copy of the report on consent election in case 7-R-1279 which was issued by Frank H. Bowen, Regional Director for the Seventh Regional Office, National Labor Relations Board on March 2, 1943.

I offer these documents in evidence as Board's Exhibits 15 to 19, both inclusive. I wish to state at this time that as to those documents now offered which are copies, I have the originals in my possession and that the parties may compare them and see that they are true and accurate copies.

Mr. Donovan: Before we examine those exhibits, may I ask counsel for the Board if the Board's offered exhibits, 15 to 19, with reference to certain events in 1943 by the Packard Company, reflect the reason why Packard Motor Car Company was selected here in this proceeding rather than any of the Detroit industries that have foremen?

Mr. Karasick: I do not quite understand counsel's statement. Perhaps I better have it re-read to me.

Trial Examiner Jaffee: Will you read Mr. Donovan's statement, please?

14 (Mr. Donovan's statement was read.)

Mr. Donovan: Is my question clear, Mr. Karasick?

Mr. Karasick: No, not quite, counsel.

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Mr. Donovan: Is it because Packard signed a recognition agreement once and you had an election, is that the reason why? Because you had an election of the Packard Motor Car foremen in 1943, is that the reason why Packard was selected here, rather than any other Detroit company, including the company before the War Labor Board Panel recently?

Mr. Karasick: In response to counsel's question, I am afraid that I can only state speculations as to the reason for the proceeding in this case rather than in any other case. It would be speculation on my part just as in his. I do not know why the Board proceeded in this case any more than in any other case. I do know in a prior case the same parties were involved and a consent election agreement was entered into. The consent election was held and the Union designated as the bargaining agent as the result of that agreement. To the extent that is so, it is my feeling that the Board would want to know about the facts and take official notice of its own records. In any respect, with relation to that fact, I will offer these documents.

If it will help counsel understand my position in the  
15 matter, they are offered only as a matter of convenience so that it will be in the record before the Board and at its fingertips. In any event, the Board notices and takes official notice of its own proceeding.

Mr. Donovan: Was the Notice of Hearing issued to the Packard Motor Car Company in this case? Was that decision made from the Regional Office or the Washington office?

Mr. Karasick: You will have to take that up with the Regional attorney of the Seventh Regional Office of the Board. All I know is that this case was assigned to me for preparation and presentation to a Trial Examiner.

Mr. Donovan: You do not know?

Mr. Karasick: No.

Mr. Dahling: Mr. Examiner, in going over the exhibits in connection with the alleged consent election, it is difficult for us to understand why they are offered at this time. I would like, if I can, to ask the attorney for the Board if the claim is made by him that these documents and the election and the result thereof are still in full

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force and effect. Otherwise, I do not see how they are at all pertinent to this proceeding. It is over practically two years ago that the documents indicate there was a consent election. The other documents indicate that a majority of the foremen voted in favor of this particular unit. Now,

as a matter of law, is it the claim of the Board at 16 this time, that that unit has been designated and that these documents are the evidence of that fact and consequently, the Foreman's Association of America is now designated as the bargaining agent for these foremen.

Mr. Karasick: Mr. Examiner, I may state in response to counsel's question, that the documents which are offered, as I previously stated, were offered for the convenience of the Board. It is my understanding that the Board in every instance, in a representation proceeding, is interested in knowing what other cases it has decided with respect to representation issues involving employees alleged to constitute an appropriate unit. Now, these documents are offered for that purpose and the documents speak for themselves. I am not making a claim one way or the other as to what the legal effect of these documents shows. I presume that the question concerning representation is present in this proceeding or we would not be here.

Mr. Dahling: Mr. Examiner, in this proceeding in 1943, if it developed into a legal obligation on the part of Packard to collectively bargain with the particular group then the appropriate proceeding, of course, would be not a new petition for representation, but a complaint for failure to collectively bargain. I do not see where these documents have any relevancy in this case at all because the Board apparently has decided to bring this proceeding

17 under the representation proceedings of the Act.

Furthermore, it is too remote—practically two years have elapsed and I fail to see any relevancy at all in the documents.

Trial Examiner Jaffee: May I see Board's Exhibit 3? Board's Exhibit 3 is a document entitled "Trial Examiner's Statement in 'R' cases," a copy of which the parties have. In the fourth paragraph of that document appears

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the following sentence at the end of the paragraph. (Reading):

"Likewise, the time when organization began, the department or group of employees affected, the subsequent growth or decline of membership, present claims as to membership, and relations had with the Employer, including requests for collective bargaining and the presence or absence of contracts, are all of importance."

I call your especial attention to the phrase, "and relations had with the Employer." It would seem to me that the proffered evidence bears upon that phrase. Of course, that in turn does not necessarily mean because that language is included in Board's Exhibit 3, that necessarily makes the proffered evidence admissible. As to that, however, I can only say among other things perhaps, it is and has been customary for the Board for many years in representation cases to receive evidence as to the

18 past relationship between the Petitioner and the Company.

This proffered evidence bears upon that relationship and I think it is therefore admissible. Board's Exhibits 15 through 19 are received in evidence.

(Thereupon the documents above referred to were marked Board's Exhibits Nos. 15 through 19 and received in evidence.)

Mr. Donovan: May we be entitled to some statement from the Board counsel as to whether he claims any present effective force to any of these documents or not? That would be rather important to the Respondent or the Employer.

Trial Examiner Jaffee: Well, you have made your inquiry.

Mr. Donovan: I think the Trial Examiner should rule that we are entitled to an answer to that.

Mr. Karasick: I would like the record to show that a moment has elapsed between the time the request was made and the time I make my response. I do not want the record to show in any way that the Board is attempting to evade clarifying any requests or any documents, rather, about which counsel is in doubt.

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With respect to the inquiry, no claim is being made with respect to these documents; this is not a case involving a complaint or charge with respect to refusal on the part of the Company to bargain or negotiate with the Foreman's Association. The only question here is the question of representation of the employees alleged to be appropriate. These documents, as I have stated before, and as I think the Examiner has stated before, have been offered for the purpose of showing past relationships with respect to the employees involved, through their representatives and the Company.

Mr. Donovan: Do I understand, then, that counsel contends that the foremen of Packard in the proceeding reflected in these exhibits 15 to 19 have not designated any statutory representative and that we are in court as though no such proceeding ever was had?

Mr. Karasick: Mr. Examiner, I make no such statement and no such claim. I have stated pretty clearly what the documents are for, what the purpose has been for their admission. Now, if counsel wants to put on any particular construction on them, that is counsel's affair. I merely say that these are for the convenience of the Board. These documents neither add to nor detract from the power of the Board and it is usual and customary practice in inquiring into the entire bargaining relationship of the Company with respect to an alleged question concerning representation.

20 Trial Examiner Jaffee: I will say this, for the benefit of counsel: If the 1943 proceeding resulted in a report by the Regional Director as a result of a consent election held at that time were in effect now, as far as the report is concerned, or what perhaps might be termed a certification by the Regional Director, I suggest it is a personal opinion, not at all binding upon the Board. And as Mr. Dahling indicates, it probably would not be necessary to bring a petition at this time, and there may be considerable merit on the argument that the mere bringing of the present petition might, as far as the Petitioner is concerned, constitute a waiver of any legal effect which that former proceeding has insofar as the earlier report of the Regional Director is of continuing



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effect and exists at the present time. That, in turn, however, does not necessarily mean that even if it is not in effect at this time, that the evidence is irrelevant. It may have probative force in connection with the issues of this proceeding, even though it is not in and of itself of continuing and existing effect.

You may proceed.

Mr. Donoyan: Is the Employer proceeding here on the theory that the Board is now requesting another election? So we understand.

Trial Examiner Jaffee: So I understand.

21 Mr. Karasick: Mr. Examiner, I would like to correct what I believe is a misinterpretation. The Board is not requesting anything here at all. The Board is going through the administrative proceeding of determining the issues in this case which have arisen as an alleged question of representation involving employees in an alleged appropriate unit. The Board is not requesting anything. The Board is merely following its usual procedure in representation cases.

Trial Examiner Jaffee: My previous remarks were intended to refer to the Petitioner, rather than the Board. I understand, in other words, that the Foreman's Association of America wants an election.

Mr. Nelson: That is correct, Mr. Examiner.

Mr. Donoyan: We certainly understand this is a representation case and that an election is contemplated. That is what we think we are in court for, and I am very much puzzled by counsel's previous statement. This is a representation case and it deals with the emergency, if any, and the identification of statutory rights, and it may involve, as representation cases do, naturally and obviously, an election to determine, and such an election would have to precede a certification, unless there was a consent by the Employer. Now, this would be the second election if one such were held, unless the Board is relying on the former election. I think it is upon the Board's

22 counsel to state whether he claims the designation of a majority by the Board of foremen having voted for the Foreman's Association, or whether he now says, for all practical purposes of this proceeding, that may be



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disregarded and held as of no effect. We want to know what we are facing here. We are in court today.

Trial Examiner Jaffee: I will not require counsel for the Board to make any further statement unless he cares to make it voluntarily.

Mr. Karasick: I would like only to state, Mr. Examiner, that I think the record already shows the statements I have made with respect to these documents, and that counsel himself, through his own statement, has shown he is fully aware that this is a representation proceeding; that it contemplates a finding by the Board of the appropriate or inappropriateness, and depending upon such finding, the Board will direct an election or dismiss the proceeding. That is what the Company faces, and I think that, together with my other statements, would make clear the position of the Board.

Trial Examiner Jaffee: I would like to supplement that by saying that the past relations between the parties are, of themselves, evidence in this matter, and for that reason, if for no other, the Board Exhibits 15 through 19 have been received.

Mr. Karasick: May I proceed, Mr. Examiner?

23 Trial Examiner Jaffee: Yes.

Mr. Karasick: I have had marked as Board Exhibit 20 for identification, a tabulation dated December, 11th, 1944, being a list of the companies affected by strikes involving foremen and supervisory workers for the period July 1, 1943 to November, 1944, on file in the Industrial Relations Division of the Bureau of Labor Statistics. This document is certified as a true tabulation by A. F. Hinrichs, Acting Commissioner of Labor Statistics, and Frances Perkins, Secretary of Labor.

I offer this document in evidence as Board Exhibit Number 20.

Mr. Donovan: What, may I ask, is the purpose of this offered bit of evidence?

Mr. Karasick: The purpose, Mr. Examiner, of the evidence now proffered as Board Exhibit Number 20, is to show whether or not labor disputes involving questions of representation by foremen and other supervisory employees have arisen during the course of time covered by

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that document, and the nature and extent of those disputes as shown by a recognized government agency.

Mr. Donovan: Does this document contain a record of the strikes of foremen, as well as disputes?

Mr. Karasick: As soon as Mr. Nelson finishes looking at it, you may look at it.

24 Mr. Donovan: Can you not tell me informally whether it contains a record of the strikes of the foremen as well as disputes?

Mr. Karasick: Well, I call them work stoppages. You may call them what you please, or so may anyone else.

Mr. Donovan: Does this contain a record of the strikes of foremen, as well as disputes?

Mr. Karasick: It contains a record of all work stoppages. They are labor disputes or work stoppages which affect the operations of the Company.

Mr. Donovan: They are the sort of thing that may be called strikes by one person or one group of persons and labor stoppages by another group of persons?

Mr. Nelson: I think it is fair to say it does not include all disputes. As Mr. Donovan has used the word "disputes", that might be much broader than that which are called stoppages.

Trial Examiner Jaffee: If you used "disputes" in its broadest sense, I do not know how anyone could make a tabulation of them.

Mr. Nelson: I do not know myself.

Mr. Karasick: That was my basic reason for referring to them as work stoppages, Mr. Examiner, which I think is a more clearly defined term.

Mr. Dahling: Mr. Examiner, as far as the Packard  
25 Motor Car Company is concerned, despite the fact that the document marked for identification as Board Exhibit Number 20, on the last page, page four, states that the figures are only partially complete, we have no objection to its introduction in evidence.

Mr. Karasick: Have you seen it, Mr. Nelson?

Mr. Nelson: Yes, I have, and there is no objection.

Mr. Dahling: May we have a copy?

Mr. Karasick: I will furnish a copy.

Mr. Nelson: I take it, Mr. Examiner, if either, of the

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parties wish to, or are able to, they will be at liberty to supplement the information contained in that document?

Trial Examiner Jaffee: You take it correctly.

Mr. Donovan: The Employer may, likewise, desire to supplement that in some way by additional data.

Trial Examiner Jaffee: Very well.

Mr. Karasick: I may say that if there is any additional data that any of the parties have with respect to the situation, I think the Board would be glad to receive it as, of necessity, it would be glad to receive the total and complete picture of the entire relationship between the parties in the issues of the case.

Mr. Dahling: Mr. Examiner, what bothers me, we have no objection to the exhibit, but I do not see how  
26 strikes have any pertinency in connection with a proceeding of this character.

Trial Examiner Jaffee: Well, I can tell you at least one. One of the purposes of the National Labor Relations Act is supposed to be the preservation of industrial peace. Here is a paper which indicates that at some spots throughout the country "there ain't been such an animal."

Mr. Dahling: In other words, all any group of men would have to do in a situation of that sort would be to strike and thereby force a governmental body to give them what they want?

Trial Examiner Jaffee: Not at all. If you can show that some strikes were created for the purpose of creating statistics, so to speak, I think that would be relevant.

Mr. Dahling: Well, if that would be the case, I think we would be here, probably, until July.

Trial Examiner Jaffee: That may very well be.

Mr. Dahling: As to whether or not these strikes here in Detroit were justified—

Trial Examiner Jaffee: (Interposing) No, I did not say that.

Mr. Dahling: If they are not justified, there must be just one purpose for them, and that is to force the employer or force a governmental agency to give them  
27 what they want—collective bargaining. At least, that inference certainly could be drawn from such evidence.

*Testimony of Robert H. Keys*

Trial Examiner Jaffee: At any rate, Board Exhibit Number 20 has been received in evidence.

\*(The document referred to was marked as Board's Exhibit No. 20 for identification and received in evidence.)

Trial Examiner Jaffee: Let us go on to the next matter.

Mr. Donovan: We would like a copy of that, Mr. Examiner.

Trial Examiner Jaffee: I understood counsel to say he would supply it.

Mr. Karasick: Yes, I think I have a copy with me now. I will give it to you.

28 Mr. Karasick: The Board has nothing further to offer at this time, Mr. Examiner.

Trial Examiner Jaffee: Is the Association ready to go ahead?

Mr. Nelson: The Petitioner is prepared to offer witnesses.

Trial Examiner Jaffee: Very well.

Mr. Nelson: I call Mr. Robert H. Keys.

**ROBERT H. KEYS,**

a witness called by and in behalf of the Petitioner, being first duly sworn, was examined and testified as follows:

**Direct Examination.**

Q. (By Mr. Nelson): Mr. Keys, how long have you lived in Detroit?

A. Thirty-one years.

Q. You are a married man with a family?

A. That is correct.

Q. And did you previously work in a factory?

A. Yes.

Q. Where?

A. Ford Motor Car Company.

Q. And for how long?

A. Seven years.

Q. In what capacity?

29 A. In the capacity of machine operator, assistant foreman and division foreman.

Q. Had you previously worked in other factories in the industrial district here?

A. No, I had not.

*Testimony of Robert H. Keys*

Q. What had you done before you worked for Ford?

A. I worked for Sears, Roebuck & Company in the Shipping Department, for R. L. Polk, in the Shipping Department, and I had worked as a mechanic in garages, repairing automobiles.

Q. You said you were a machine operator at Ford's. Can you give us the type of machine you operated?

A. The first type I ever operated with the Company was a drill press, but throughout the years I have operated numerous machines, such as lathes, grinders and milling machines.

Q. Do you recall when you became a foreman?

A. Yes, I can recall definitely when I was told I was a foreman. However, the record, we found out later, did not confirm that fact. I was told that I was an assistant foreman about the month of May in 1934.

Q. And was it one of your superiors that told you you were a foreman?

A. That is right.

Q. Did you at once proceed to act in the capacity of supervisor?

30

A. I did.

Mr. Donovan: Let us fix the year, approximately, so we will know when we are talking about.

Mr. Nelson: 1934 and the month—will you tell Mr. Donovan the month?

Mr. Donovan: I just want the year.

The Witness: I said about the month of May, I believe, 1934.

Q. (By Mr. Nelson): And how long did you act as assistant foreman?

A. Well, I remained on that job until they asked me to go to the Aircraft Building—I beg your pardon, they asked me to go to the "B" building.

Q. What was the "B" Building?

A. It was another one of the buildings composing the Ford Industry at River Rouge.

Q. What did they do in that building is what I am getting at?

A. We built panels for automobile bodies, and various parts for automobiles. However, the job that I was asked



*Testimony of Robert H. Keys*

to go on was to take charge of rear axle assembly for Ford; Ferguson Sherman tractors. Mr. Nelson, might I make a correction?

Q. Yes

31 A. That May date should be 1933. I recall now, and not 1934.

Q. And how soon after the fact of entering supervision did the records catch up so you were recorded as a supervisor?

Mr. Dowling: I cannot see any relevancy in that.

Mr. Nelson: Just the same, it is the same thing that we want to correct here and I want to illustrate it by this witness. I am not offering it solely because of Mr. Keys' experiences, your Honor, I will offer it because it is the kind of thing the Foreman's Association is desiring an opportunity to correct.

Trial Examiner Jaffee: You may answer.

The Witness: Well, I assumed that I was recorded as a foreman when I was told so by my superior and it was not until I had left the employment of the Ford Motor Company and the Ford Chapter officers in their negotiations with the Company in correcting certain records, discovered the fact that my record was one of the records that was very incomplete. If I recall correctly, although I had acted and had assumed I was a foreman for about four years, that the record did not show it.

Mr. Donovan: Mr. Trial Examiner, are we going into the grievances of the foremen in this representation case?

32 Trial Examiner Jaffee: I do not know what we are going into. I do not know what evidence is going to be offered.

Mr. Donovan: I have reference to the last question and answer. I am unable to attach any relevancy to it in this particular case, unless the witness, through counsel, is attempting to develop a historical foreman's grievance, which are reasons why they should have this or that.

The Witness: Mr. Nelson,—

Mr. Donovan: I would like a ruling from the Trial Examiner on that.

Trial Examiner Jaffee: There is nothing to rule on. What do you want me to do now?



*Testimony of Robert H. Keys*

Mr. Donovan: You are running the trial—

Trial Examiner Jaffee: I heard no objection to any question.

Mr. Dahling: It has been objected to on the ground that it was irrelevant and I understood you to overrule the objection. The question was put as to whether or not we are in this case going to develop—is the Trial Examiner going to permit the witnesses for the Union to develop grievances which they claim they may have as a part of this case? If that is to be considered relevant testimony, of course, we would like to know. We only spent about six months of this last year going into those particular grievances

33 before the War Labor Board. I do not feel that testimony of this sort is at all relevant in a proceeding of this character. It does not make any difference whether they are grievances or not, as far as this hearing is concerned.

Trial Examiner Jaffee: At this state of the hearing, as it stands at the moment, I cannot indicate in advance what I am going to do. I will have to cross that bridge when I come to it. That is all I can say on that subject at this time.

Q. (By Mr. Nelson): How long did you work as supervisor in "B" Building at Ford's?

A. Approximately two years.

Q. How many years of experience as a supervisor did you have there?

A. The total with Ford Motor Company?

Q. Yes; as a supervisor.

A. As far as experience goes, I had about six and a half years.

Q. And when you discontinued active work as a supervisor what position did you hold? What rank of foremanship were you in?

A. I was classified as a division shift foreman.

Q. Where is that in the hierarchy of foremen, is that the lowest foreman nearest to the workman or somewhat removed?

34 A. No, I had foremen under my supervision who were classified as job foremen.

Q. How many?

*Testimony of Robert H. Keys*

A. I had three.

Q. Three job foremen and your division foreman and above you were other foremen in the factory?

A. That is right.

Q. As a foreman did you become acquainted with other foremen in the Ford Motor Company?

A. Yes.

Q. And did that acquaintanceship ultimately lead to discussions among you?

A. Yes, sir.

Q. Discussions of an association or an organization?

A. Yes, sir.

Q. When did that begin to take form?

A. The month of August, 1941.

Q. And that was after the organization drives in 1936 and 1937 among the maintenance and production workers?

A. That is right.

Q. And after the maintenance and production workers had obtained and had in operation contracts with their employer?

A. Correct.

Q. Tell us now whether you as a foreman had or knew of any other foremen who had anything to do with the formulation and contents of those contracts with the  
35 maintenance and production workers?

A. I had no part in it and I do not know of any other foremen who did.

Q. Of any rank in the Ford Motor Company?

A. Yes.

Q. In August of 1941, you men began to talk of an organization, is that right?

A. That is right.

Q. Was that at first confined to the foremen in the Ford Motor Company plants?

A. Yes, at first it was confined to one building, our own building, the Aircraft Building.

Q. How early in 1941 did that discussion begin?

A. It started in the month of August, along about the middle of the month, I would say.

Q. You are bearing in mind that is before Pearl Harbor?

*Testimony of Robert H. Keys*

A. Yes.

Q. But after you had begun the production in the Ford factory of war materials?

A. Yes.

Q. How long after you had begun production of war materials?

A. Well, as a foreman I would have no way of knowing when the Company signed its contracts or how it negotiated them but they had been building the Aircraft Building possibly a year before that and it was not completed when I went over there. I can only hazard a guess and I would say there had been some war production for perhaps six months or so.

Q. They had been preparing for war production for something over a year, as you recall it?

A. Correct.

Q. Now, the old building, you say, that was the "B" Building, was it not?

A. Where we started talking about associations was in the Aircraft Building.

Q. How big a place is that, as to the overall number of men employed in it, Mr. Keys, let us get a brief idea of it?

A. The Company employs about 10,000 people in that building.

Q. And the supervisory force in that building would be how extensive in number?

A. Well, it went over the thousand mark, that I personally know of.

Q. You knew of over one thousand supervisors in that one building?

A. That is correct.

Q. And that building is located at the Rouge, central plant of the Ford Motor Company in Dearborn?

A. That is right.

Q. Well, just give us a brief statement of the early organization efforts in that building and tell us how they expanded, if they did, to other buildings.

A. Well, as I stated before, we started discussing the possibility of having an organization for foremen, an organization of our own that would be independent of any

*Testimony of Robert H. Keys*

other organization, for the purpose of discussing with the employer our own wages, hours and conditions of employment. I made several attempts to organize the foremen in our particular department during lunchtime and after working hours. At first they would say, "Let me think it over for a day or two." Most of them didn't seem to think that the foremen were entitled to anything like that because of the way they were treated out there, kicked around and pushed around. They didn't think they should be able to stand up and fight back. Mainly they were afraid, I will say it that way. Nevertheless, four of us, three others and myself, carried the ball, and in the month of September we held three meetings.

Q. That is 1941?

A. Yes, 1941.

Q. Let me interrupt you here, Mr. Keys, I will start you again there in September, 1941, and ask you if you had yourself any previous experience in organizing labor or wage earners?

A. No, I had never had any.

**37A** Q. You had done none because you had been a foreman at that time, something over six years?

A. That is right.

Q. And you had not been a maintenance and production worker in the organization years in 1935 and 1936?

A. No, I was not.

Q. Come back to September, 1941. You say you had three meetings of foremen?

A. We had three meetings in the month of September.

Q. Yes, by meetings you mean how many people?

A. Well, at the first meeting there were only twelve of us and at the second meeting I think there was about thirty-five.

Q. Where did you meet the first time?

A. The Arena Gardens in Dearborn, Michigan.

Q. You said how many at the second meeting?

A. About thirty-five.

Q. A little better than double?

A. Yes.

Q. All from the Aircraft Building?

A. That is true.

*Testimony of Robert H. Keys*

Q. Where did you have the second meeting?

A. In the Dearborn Arena.

Q. Is that a public building down there?

38 A. It was a public building where they held boxing matches and so forth. It has since been razed.

Q. And the third meeting in September, 1941?

A. It was also held in Dearborn but it was held at a small hall on Michigan Avenue. I cannot recall the name of it but there were about 100 packed the place at that meeting.

Q. These meetings dealt with the subject of the possible organization of the foremen, did they, Mr. Keys?

A. Yes, that was the purpose of the meetings, but all the foremen wanted to talk about was grievances. We had a little difficulty straightening them out. They had to get the organization before they could talk about wages and so forth.

Q. They were so full of grievances that the subject matter was hard to get to, I suppose.

A. That is right.

Q. Now, were there further meetings in October, 1941?

A. Yes.

Q. And November?

A. Yes.

Q. Go ahead.

A. Although I did not know it at the time, we later learned that the foremen of the foundry building were also organized.

Q. At the same time and independent of you?

A. At the same time and independent of us.

39 Q. But at the Ford Motor Company?

A. That was in the foundry building of the Ford Motor Company. They heard about our organization and that we were holding a meeting on October 19, 1941 in the Moose Hall in Dearborn, Michigan and their representatives were at our meeting. At that meeting the two groups joined together and adopted the name "Foreman's Association of America" and selected the first temporary officers. About 300 people were present at that meeting, I would say.

Mr. Karasick: What is the date of that, please?



*Testimony of Robert H. Keys*

Mr. Nelson: October.

The Witness: 19, 1941.

Mr. Karasick: Thank you.

Q. (By Mr. Nelson): Were you one of the temporary officers?

A. Yes, I was elected as temporary president.

Q. Now, up to that time, had there been any organizer, as such? A person employed to make effort at organization as distinguished from his daily work?

A. No, none whatsoever.

Q. And at that time was any organizer employed?

A. No.

Q. In October, 1941?

A. No.

Q. Well, following October 19, 1941, presumably you  
40 had additional meetings?

A. We possibly had subsequent meetings but the only one I recall distinctly is the November 2nd meeting of 1941.

Q. Where was that held?

A. In the Fordson High School in Dearborn, Michigan. It was at that meeting that we adopted our first constitution and held our first official election of officers. We had about 1200 at that meeting.

Q. And still had no paid organizer?

A. No, none whatsoever.

Q. I assume that each of you men were interested—

Mr. Donovan (Interposing): No paid what?

Mr. Nelson: No paid organizer. Offering to show it was a thoroughly spontaneous movement.

The Witness: That is right, we had no paid officers, either, no one was paid anything.

Q. (By Mr. Nelson): All you men in that first period, from the first twelve up to the 1200, by November 2nd, a period of some sixty days or thereabout, were men interested only while you were still on the job?

A. That is right.

Q. Were you one of the officers elected on November  
2nd?

A. Yes, I was elected as president of the organization.



*Testimony of Robert H. Keys*

Q. Did you continue after that working as a foreman in the Ford Shops?

41 A. Yes, I did.

Q. Did you pay for the use of the halls?

A. We did.

Q. You paid whatever the parties in charge requested or required, is that right?

A. We would pay it after the meetings. The men contributed. In other words, the hat was passed around and they would throw in a quarter or a half a dollar. One man threw in \$5.00 one day. Then we paid for the meeting hall. A record was kept of the rest which was used to purchase what incidental material we needed to get on with our organization.

Q. Now, this was an organization of the foremen limited up to that time—limited to the Ford Motor Company plants?

A. That was true, although it was also our desire and our belief that all foremen needed organization and we felt that our organization would expand to a national organization.

Q. You thought of it but you hadn't taken any steps yet?

A. No steps had been taken.

Q. Did you continue going into the factory daily to work after that for sometime?

A. Yes, ten hours a day seven days a week.

Q. And you did this organization work on the side in your spare time, if any?

A. That is right.

42 Q. And the other officers did likewise?

A. Exactly the same.

Q. Until about what time when you required officers and became full time employees?

A. Well, the organization expanded so rapidly that along about the first of the year we began to get inquiries from other plants.

Q. That would be the first of 1942?

A. Yes. We decided that we had better rent office space somewhere to have facilities to handle the demands for membership. After looking around in the immediate vicinity there we located a large suite of offices in the

*Testimony of Robert H. Keys*

Carmen Center Building, 5746 Schaefer Road, Dearborn, which is still the headquarters of the Ford Chapter No. 1. We hired a girl. The officers continued to work in the shop and came to the office on Sundays or whenever they had time off. We worked on Sundays then.

Q. At that time there was tremendous pressure on your time it was very heavy, wasn't it?

A. Very much so.

Q. And you were asked to work very long hours and seven days a week pretty much every week, practically?

A. That is true, we were all glad to do it. We were trying to develop the Pratt and Whitney Aircraft engine for the Air Forces and we all realized that that came  
43 before anything else.

Q. Such time as you gave to organization efforts was current with seven days a week and ten hours a day?

A. That is true.

Q. Did you for some little time then, confine your main efforts to the Ford Motor Company supervisors, your main efforts for some time?

A. Well, after we started the organization we did not have to put forth much effort. We were receiving demands for membership applications so rapidly that it was just a question of seeing that they got into the hands of the party requesting them. We did not have to go out to do any organizing.

Q. And you did not do any?

A. No.

Q. In the main, has that characterized the organization of the Foreman's Association of America and its various chapters up to the present time?

Mr. Donovan: Just a moment. Mr. Trial Examiner, I object to that question. It is much too general. What was done by the Foreman's organization from then on covers a lot of ground, and I do not care to have a general statement like that in a single yes or no answer. I think it should be stricken.

Mr. Nelson: I will specify as to the Packard Motor  
44 Company in a moment.

Trial Examiner Jaffee: You are now asking about Packard?

*Testimony of Robert H. Keys*

Mr. Nelson: No, I am not. I was asking it more generally, and I will undertake to make it a specific inquiry to show just exactly how it was done in Packard.

Trial Examiner Jaffee: I know, but are you insisting on your pending question?

Mr. Nelson: Yes.

Trial Examiner Jaffee: I think a foundation should be first laid. I sustain the objection.

Mr. Nelson: I will be very glad to lay a foundation.

Q. (By Mr. Nelson): Did you at any time employ an organizer?

A. No.

Q. And are you familiar with the manner in which memberships in the Foreman's Association chapters have been obtained up to the present time?

A. Yes.

Q. Excepting the Packard Chapter, for the moment, Mr. Keys, has this spontaneous response continued from the beginning right up to present time?

A. The true answer to that question, Mr. Nelson, is that it is still spontaneous, to a great extent. However, we have had, for quite some time, a paid membership director.

45 Q. What are his duties?

A. Well, his duties are to answer the inquiries that come in requesting information about the organization; to send out the various bits of literature that we have about our organization, and, in the main, to answer questions, send out applications and charters and receive them, and to issue provisional charters to chapters or to groups of foremen; I should say, when they send in an application for a charter.

Q. You have had an organizer for how long?

Trial Examiner Jaffee: He has not said he had any. He said he had a membership director.

Mr. Nelson: I am sorry.

Q. (By Mr. Nelson): You call him a membership director or organizer?

A. We call him a membership director.

Q. All right, how long have you had him?

A. We have had a membership director since the first

*Testimony of Robert H. Keys*

election that I described to you on November 2, 1941. But, as you will recall, I said we all worked in the plant.

Q. Yes.

A. And it was in the latter part of 1942, fully a year later, I am sure, when he was put on full time at the convention, and he started on full time January 1, 1943.

46 Q. And has continued since that time?

A. And has continued since that time.

Q. As a membership director?

A. That is true.

Q. Performing the functions you have described?

A. Yes, sir.

Q. Now, coming back to the Ford Chapter, you were elected president of that Chapter in how many years, Mr. Keys, yourself?

A. I was elected president of the Chapter at the election of November 2, 1941, but when we adopted our constitution on that date, the Constitution provided for our organization to be a national organization and I acted in the capacity of president of Ford Chapter until the convention in 1942. In the month of October that was, I believe, and at that convention I was elected to the national presidency and it became necessary for the vice-president of the Ford Chapter at that time to act as president until they could have an election, which they did.

Q. In the meantime, had the Ford Chapter increased in membership?

A. Yes, we reached a peak, I believe, of 8500 in the Ford Chapter.

Q. At about what time?

47 A. Well, I cannot give you the exact date, but when we had the convention in 1942 we also had two or three other chapters at that time, and I am pretty sure by the 1942 convention we had about reached that peak.

Q. It was at about that time?

A. Yes.

Q. In the meantime, had the Ford Chapter made efforts to deal with the Ford Motor Company with respect to foremen?

A. Yes.

*Testimony of Robert H. Keys*

Q. And to obtain recognition?

A. Yes.

Q. Do you remember when you began those efforts?

A. Yes, in the month of May, 1942, we contacted the Company. On May 13, 1942, we filed a petition with the National Labor Relations Board requesting an investigation and certification. But on May 22nd of 1942, the Company discharged one of our building chairmen who was attempting to negotiate with the superintendent about an issue that was in existence at that time, and that was the foremen having to work an extra half hour each day without pay after the people under their supervision had gone home, and the superintendent fired the chairman.

Q. In which building?

A. In the Spring and Upset Building.

Q. His name was what?

A. Henry LaBeau.

48 Q. Leaving that at that point, Mr. Keys, for a moment, let me take you back and suggest to you that as a matter of fact you made a written demand on the Ford Motor Company earlier, did you not? Do you recall the date of that letter? I desire it just because it fixes the chronology more accurately.

A. I don't recall exactly. Our records will show it, but there were demands made upon the Company.

Q. The first of December, 1941?

A. As I said, I do not recall it, Mr. Nelson. I would have to check our records.

Q. But it would be some months prior to the discharge of LaBeau?

A. It was some months prior.

Q. Up to that time had the Company made any effort—up to that time had the Company met with you and discussed the Foremen's grievances, up to the LaBeau discharge?

A. Representatives of the Company had met with us, but didn't discuss any grievances, just said the foremen could stand on their own two feet and settle their own grievances, as far as they were concerned.

Q. You had not been successful in getting any relief up to that time?



*Testimony of Robert H. Keys*

A. No, these representatives of the Company took the position they represented the foremen, and when I questioned them as to why they had signed a contract  
49 with the UAW-CIO, affecting the foremen adversely in one particular instance, and told them they hadn't done a very good job in representing the foremen, if that was the way they did business. That concluded the conference.

Q. On the discharge of LaBeau in May, 1942, what occurred?

A. 169 foremen employed in the same building protested the action of the superintendent, so he fired them all.

Q. On the spot?

A. Yes.

Q. Then what happened?

A. They went out and went home, and the next day they tried to come back to work and they were locked out at the gate. Plant protection men stopped them and said they couldn't go in. So the following Sunday, which was May 23, 1942, we called a meeting of our membership and there were 3700 foremen that came to the meeting and voted to strike.

Q. That was in the Ford Motor Company?

A. Yes.

Q. And what occurred?

A. At this particular meeting they gave a vote of confidence to the officers and instructed us to go about settling this problem, and if it was necessary to strike, and those 3700 pledged themselves to strike. It was on May 25th that we got a call from the Ford Motor Company asking if we would come over for a conference on this particular problem.

50 Q. Mr. Donovan: Is this in 1942?

Mr. Nelson: Yes.

The Witness: This is in 1942, yes.

Q. (By Mr. Nelson): As far as you know, Mr. Keys, was that the first strike authorization by any portion of the Foreman's Association of America?

A. That was the first.

Q. And was there a strike or was there not one?

A. No. We met with Mr. Harry Bennett, Mr. Ray



*Testimony of Robert H. Keys*

Raush, Mr. Harry Mack, Mr. James Brady, Jack Block, in Harry Bennett's office on the afternoon of May 25th.

Q. By "we," you mean who?

A. Myself, as president, Mr. William Elliott, Mr. McDermott, and Mr. Allan Nelson, representing the Association.

Q. Was the discharge of LaBeau and the accompanying controversy discussed at that meeting?

A. That was the purpose of the meeting, and that was the discussion.

Q. Tell us just briefly the result of the discussion.

A. The result was that Mr. Harry Bennett called the superintendent in that building and asked him what business he had to discharge anyone for organizing, and that these men were to come back on their jobs immediately.

Q. The 169?

A. 170, including LaBeau.

51 Q. And were they taken back without further incident?

A. Yes, and their cards were gotten from the time office for them and they went back to work.

Q. This conference avoided a strike in that instance?

A. It did, definitely.

Q. Now, was that the first instance where the Foreman's Association representatives had confronted as imminent a situation as that?

A. Yes, that was our first experience.

Q. And I presume it was your first individual experience in a matter of that kind?

A. That is true.

Q. Now, at that time, Mr. Keys, you were acting, were you, as president of the National or president of the Ford Chapter?

A. Both.

Q. Both?

A. I was the duly elected president of the Ford Chapter, acting as national president.

Q. Because, in the meantime, other plant supervisory employees had applied for charters?

A. That is true.

Q. At least, some provisional charters had been issued?

*Testimony of Robert H. Keys*

A. That is true.

Q. Would you remember about how many?

A. At the time of the May incident?

52 Q. Yes, May 25th, when you met Mr. Bennett and adjusted this threat of a strike?

A. Well, I would say that we had possibly three—two, I am sure of.

Q. Well, where were they?

A. Briggs Manufacturing Company and Chrysler Corporation.

Q. What is the next incident illustrating the development and growth of the Foreman's Association, Mr. Keys?

A. Well, after Mr. Harry Bennett instructed the superintendent to take these foremen back immediately, we discussed foremen's grievances with him, and these other gentlemen I mentioned a moment ago, and the result of that conference was that Mr. Bennett instructed Ray Raush, who was plant superintendent in charge of the entire plant, to select a committee of superintendents to meet with our committee for the purpose of ironing out foremen's problems, and Mr. Raush, on June 17, 1942, called all of the superintendents together and the officers of the Executive Board members of the Ford Chapter met with the superintendents and they selected a committee and we selected a committee and started negotiations, which resulted in the first signed agreement with Ford Motor Company, on November 5th, establishing wages and classifications.

Q. November 5, 1942?

A. November 5, 1942.

53 Trial Examiner Jaffee: When was that meeting?

The Witness: The meeting was on June 17, 1942, with the superintendents, where we selected the committee.

Q. (By Mr. Nelson): And it took you until November to get this preliminary contract?

A. Yes, due to the fact that the entire records of the Company on foremen had to be gone through and straightened out, and we had to agree on how the foremen ought to be classified and what their rates of pay should be, how they should be paid, and so forth, and it took that period of time to do that.

*Testimony of Robert H. Keys*

Q. Following November, 1942, did you, that is, the Association, and the Ford Motor Company, operate under that contract?

A. We did.

Q. Was that contract signed as Foreman's Association of America?

A. It was.

Q. Ford Chapter?

A. It was.

Q. Was that your first experience with the contract?

A. Yes.

Q. With an employer?

A. Yes.

54 Q. And what followed the signing of that contract with respect to the Ford Chapter, briefly and just in general?

A. Well, following that we applied to the War Labor Board for approval of the rates that were established in the contract, and that was approved by the War Labor Board.

Q. That is, you made a joint application with the Ford Motor Company?

A. No, we didn't make a joint application. The application was only signed by the Company, but we accompanied the Company's attorney and put in an appearance in Washington before representatives of the War Labor Board, and it was explained to them that it was sought jointly.

Q. Now, were there also included in that some salaried employees that required an application to the United States Treasury?

A. That is right.

Q. And you, likewise, went with the Ford Motor Company to the United States Treasury representatives in connection with the raises reflected in that portion of the agreement?

A. No, we didn't go with them. They appeared there shortly before we did, but it was explained to the Treasury Department that it was sought jointly.

Q. Did a time come when, Mr. Keys, the Company, working on its end of this agreement or carrying out this agreement, set up an office, a personnel office?

*Testimony of Robert H. Keys*

55 A. During our negotiations of our agreement, it was agreed upon between both parties that an office would be set up to be known as the Foremen's Personnel Office. The purpose of the office was to keep records on foremen, have an availability list whenever a foreman was demoted or taken off a job, he would go on an availability list and, in general, it was to straighten out the chaotic condition of the foremen's records and conditions in the plant.

Q. By the way, while we are on that subject, do you find, generally, from the viewpoint of the foremen chaotic conditions in industry as to their classifications, wages, and so forth?

Mr. Donovan: I was unable to get that question.

Mr. Nelson: I will except the Packard Motor Car Company, because we will make a specific showing as to the Packard Motor Car Company.

Mr. Donovan: I should like to have the question read, or repeated.

(Question read.)

Mr. Donovan: If the Examiner considers that a relevant question, which I doubt, I do not think the weight would be of much assistance to the Board.

Trial Examiner Jaffee: It seems to be general.

Mr. Nelson: It is general. I am referring in general to the organization, I am offering it in general as to the organization.

56 Trial Examiner Jaffee: I do not think it shows anything on which the witness can answer. The word "industry" is very general.

Mr. Nelson: I think that would be true, but I think he would fairly be limited to those plants he knows about, Mr. Examiner.

Q. (By Mr. Nelson): I will ask you if, in the efforts to organize the Foreman's Association, if you have become acquainted with the facts in that regard?

A. Yes.

Q. What are they?

Trial Examiner Jaffee: Just a minute.

Mr. Nelson: I will make it more specific.

*Testimony of Robert H. Keys*

Trial Examiner Jaffee: I think the mere statement that he is acquainted is not sufficient foundation.

Q. (By Mr. Nelson): Have you had to deal with these conditions in handling the affairs of foremen?

Mr. Donovan: What is meant by "these conditions"?

Mr. Nelson: Referring to the lack of classifications, the status—

Mr. Donovan (Interposing): Just a moment.

Mr. Nelson: May I finish the question?

Mr. Donovan: I object, Mr. Examiner. I think that question should be reframed.

Trial Examiner Jaffee: That is what I understood  
57 he was trying to do.

Mr. Nelson: I was asking if he knew about it and had dealt with it in the companies that had been organized by the Foreman's Association of America, and I limited myself to that.

Mr. Donovan: He said yes, and you are now telling him what to answer.

Mr. Nelson: You mean, your objection is that it is leading?

Mr. Donovan: Yes, it is leading and irrelevant.

Trial Examiner Jaffee: I have not heard a completed question as yet.

Q. (By Mr. Nelson): Have you had to do in your efforts and work as president of the National Association with the status of foremen?

A. Yes, every day.

Q. In the industries in which you have organized foremen's chapters?

A. Yes, every day.

Q. And are you acquainted with the facts as to those chapters and those companies so that you could determine whether the status and classification, position and authority of foremen generally is definite and certain, or whether it is chaotic and uncertain?

Mr. Donovan: Just a moment.

58 Mr. Nelson: He can answer that question yes or no.

Mr. Donovan: No, he cannot answer that question yes or no, I do not believe, Mr. Examiner, and I object to the question because I think the word "status" is wholly



*Testimony of Robert H. Keys*

undefined; it carries a connotation unfavorable to the employer. I object to it.

Trial Examiner Jaffee: In short, the short answer to your objection is you cannot get everything in one question. You only proceed one step at a time. The witness may answer yes or no.

The Witness: Yes.

Q. (By Mr. Nelson): And what is it?

A. In many instances, the foremen do not know how they are classified and when they have sought membership in our organization and we questioned them as to how they were classified, they have said, "I do not know," and in many cases they have worked with the Company a number of years.

Q. These are men of experience and continuity of employment you are talking about?

A. That is correct.

Mr. Donovan: I am not objecting to that question although it is based upon second-hand information. I am assuming, however, that the Examiner is allowing some liberality to both sides on questions of this type.

59 Trial Examiner Jaffee: I will allow a certain degree of liberality. I cannot commit myself as to how liberal I will be or will not be in particular cases. I think it would be rather silly of me to do so. We will cross those bridges also when we come to them.

Q. (By Mr. Nelson): After the Ford Motor Company—I think you said early in 1943—established an office, did the Foreman's Association deal with the Ford Motor Company through that office?

A. Yes, when the office was established, the Association's representatives dealt with the Company through that office, to a certain extent.

Q. Now, you seem to indicate there that you did not have the full scope of activity through those relations which you desired and which you felt were useful to the foremen.

A. No, our wages and classifications agreement of November 5, 1942, did not provide grievance machinery and our dealings in the personnel office in handling grievances



*Testimony of Robert H. Keys*

were all done without written grievances; they were usually agreed upon.

Q. That is, the Company could deal with you if they wanted to or they did not deal with you if they did not want to, is that right?

A. That is correct.

Q. And that led to some friction, did it?

A. Very much.

60 Q. What did the Association do about that?

A. Well, the Company, in its interpretation of one of the clauses of the wage and classification agreement, paid off the back pay to the foremen as they interpreted the clause. We did not interpret the clause the same way, and we decided we would have to take it to the National War Labor Board and let them interpret it for both parties, and because of our dispute over this differential in the wages paid, they shut off the grievance machinery again.

— Q. You mean, they just quit operating the grievance machinery?

A. Yes.

Q. And what did the Association do? You said they went to the National War Labor Board?

A. No, we intended to, and I and Mr. Nelson, who was vice-president of the Association of the Ford Chapter No. 1 at that time, went to Washington to discuss this problem with the Board, because we were afraid there was going to be a strike. The men were very hostile, very disturbed, and on June 19, 1943, while we were in Washington trying to get the Board to take jurisdiction over this question, we got a long distance telephone call that on June 3rd—no, I beg your pardon, we got a long distance telephone call on June 19th that about 800 foremen had walked out.

Q. That was the very situation you were down there  
61 trying to forestall?

A. That is correct.

Q. And at that time there was no grievance machinery in operation in the Ford Motor Chapter, with the Ford Motor Company?

A. No recognized grievance machinery of any sort.

Trial Examiner Jaffee: We will recess until two o'clock.

*Testimony of Robert H. Keys*

(The hearing in the above matter was recessed at 12:30 P. M. until 2:00 o'clock P. M.)

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After Recess.

(Pursuant to recess, the hearing resumed at two o'clock P. M.)

Trial Examiner Jaffee: The hearing is in order.

Mr. Karasick: Will you mark this as Board's Exhibit 21 for identification?

(Thereupon the document above referred to was marked Board's Exhibit No. 21 for identification.)

Mr. Karasick: I have had marked as Board's Exhibit 21 for identification the report on investigation of interest of contending labor organizations signed by Ruth Greenberg, Field Examiner of the National Labor Relations Board on December 8, 1944. I will offer this document in evidence as Board's Exhibit 21.

Trial Examiner Jaffee: Are there any objections?

Mr. Dahling: We have no objections.

Trial Examiner Jaffee: It is received.

(The document heretofore marked Board's Exhibit No. 21 for identification was received in evidence.)

Mr. Karasick: I interrupted Mr. Nelson's examination of the witness for the purpose of introducing this document. At this time I have nothing further to offer for the Board.

Trial Examiner Jaffee: Very well.

ROBERT H. KEYS

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resumed the stand, was examined and testified further as follows:

**Direct Examination (Continued).**

Q. (By Mr. Nelson) Mr. Keys, prior to the luncheon recess, you were at June, 1943 and I wish you would tell us what occurred in connection with the Ford Chapter's experience at that time. By the way, that is, of course, after May 11, 1943, isn't it?

A. Yes.

*Testimony of Robert H. Keys*

Q. Now, tell us what occurred.

A. We were having a dispute with the Company over the interpretation of a clause in the wage agreement that we had signed with the Company and as we were unable to arrive at a solution between ourselves, we were attempting in behalf of the Association, to get the War Labor Board to take jurisdiction of the dispute. On June 3, the Ford Motor Company discharged one of our building chairmen, Mr. George Kellogg. On June 5 the Ford Motor Company discharged another building chairman, Mr. William G. Elliott. On June 7 the Ford Motor Company discharged another building chairman, Bertram Fenrich. These discharges, along with the dispute in existence over the wage agreement, and disturbed the foreman somewhat and we were afraid they were going to strike. So, we had inserted

64 in the Detroit newspapers an advertisement in which we stated that we did not want a strike and stated our position over the matter in question. While Mr. Nelson and myself were in Washington trying to get the War Labor Board to take jurisdiction, some of the foremen took some of these advertisements in and placed them on the bulletin board.

Q. You mean in the plant of the Ford Motor Company?

A. Yes, that is right. The superintendent of one of the buildings ordered the chairman of that building to tear down these advertisements and he refused to do so by simply answering, "I did not place them there and I do not know anything about them." The result of that was that the Company then fired twenty-seven more foremen employees, most of whom were officers or chairmen of the Association. So, when they discharged these twenty-seven, about 800 other foremen struck on the afternoon shift of June 19, 1943.

Q. And you heard of that in Washington?

A. We heard of it by long distance telephone.

Q. What did you do?

A. We came back to Detroit immediately, and on June 22, 1943, held a mass meeting at the Fordson High School Stadium with about 5,000 Ford foremen in attendance, and a strike vote was taken and picket lines established that evening at the gates. About 1:15 A. M. the following

*Testimony of Robert H. Keys*

65 morning, Mr. Marshall and Mr. Haughton, from the War Labor Board, met with us at the Ford Chapter offices and persuaded us to call off the strike, which we did, and ordered the foremen to return to work.

Mr. Donovan: What date was that, Mr. Keys?

The Witness: It would be 1:15 A. M., approximately, June 23, when the strike was called off.

Q. (By Mr. Nelson) Now, were all of these foremen who had been discharged re-employed or did they return with the other men?

A. No. When we called off the strike and all of the foremen attempted to come back to work the next day, the Ford Motor Company discharged about 800 of them and they made them stand in line at the foremen's personnel office to be questioned to be cleared out, and that went on from June 23 all day and on June 24 the foremen were so disturbed over this mass firing that about 2,000 of them walked out.

Q. What buildings were involved in the group of 2,000?

A. To the best of my knowledge, all of the buildings at the Rouge Plant.

Q. Was that the day shift or night shift?

A. It was during the day that they walked out.

Q. What happened with respect to that response to the Company's action on the 800?

A. The Company contacted us and wanted to discuss the matter, and the settlement of the negotiations were that all the foremen went back to work.

66 Q. Now, let us see. After the 2,000 struck, the Company got in touch with you?

A. That is correct.

Q. And you responded promptly with negotiations?

A. Why, yes, right away.

Q. And finally all 2,000 came back to work, did they?

A. Including the early 27 that had been discharged, all but the three that I mentioned—Mr. Kellogg, Mr. Elliott and Mr. Fenrich, they didn't come back.

Q. For what reason?

A. The Company wouldn't accept them at that time.

Q. The negotiations resulted in all that had gone out coming back excepting the original three?

*Testimony of Robert H. Keys .*

A. Yes.

Mr. Donovan: Who were those three, Mr. Keys, I did not get the name?

The Witness: George Kellogg, William Elliott and Bertram Fenrich.

Q. (By Mr. Nelson) Then, Mr. Keys, the negotiations continued with the Company, did they, with respect to classifications and working conditions of foremen, following that?

A. No, we did have the grievance machinery, such as it was, in operation again for a short while following  
67 that period, and, by that I mean, that the chairmen were recognized and presented the grievances of their constituents to the Foremen's Personnel Office. However, on December 21, 1943, the Company again decided to stop the grievance machinery and docked and disciplined one of our chairmen, Mr. Carl Brown, of the Bomber Plant.

Q. Well, now, before you come to December, Mr. Keys, Mr. Fenrich, Mr. Elliott and Mr. Kellogg did not, in the meantime, return to work, did they?

A. No.

Q. And did you take any action as an Association or Chapter during the summer of 1943 following the strike in June? And to refresh your recollection, I refer specifically to the petition and the hearing before the National War Labor Board in July and August of that year.

A. Yes, that took place in the month of August.

Q. And that was a hearing on your petition?

A. That was a hearing on our petition, yes.

Q. For what, briefly?

A. There were twelve points in dispute, but two of the main points were the settlement of the difference of opinion on the wage classification and the reinstatement of the three discharged chairmen.

Q. Did it also cover the operation of the grievance machinery?

68 A. Yes.

Q. Which had been somewhat in disuse in the meantime, is that correct?

A. That is correct.



*Testimony of Robert H. Keys.*

Q. And that was an extended hearing, was it not?

A. Yes, that was, and at the conclusion of the hearing, the Panel recommended that the committee representing the Association and the committee representing the Company take 15 days to enter into negotiations to see if they could settle their differences, which they didn't do.

Q. Why not?

A. Well, we couldn't arrive at satisfactory terms.

Q. You mean, with the Company?

A. That is right, they would not reinstate these three individuals I mentioned a moment ago.

Q. Then you get along into the fall of 1943 and approach this December event, is that right, Mr. Keys?

A. Yes. Following our negotiations, although they were unsuccessful and we referred it back to the Board, the Company did recognize our chairman again and grievances were being settled. However, on December 21, Carl Brown, Chairman of the Bomber Plant for the Association, was docked and threatened with discharge if he didn't get back on his job and quit handling grievances for the foremen, and when the Company attempted to stop the processing of foremen's grievances, 1200 foremen walked out from the Bomber Plant.

Q. On what date?

A. That was December 21, 1943.

Q. And while we are on it, briefly, was it the understanding and agreement with respect to this grievance machinery that men like Mr. Brown, in those offices he held, were to settle grievances on company time where necessary?

A. Whatever time was necessary they were to be allowed.

Q. It was in the performance of such things as that within the agreement that Mr. Brown was docked and threatened?

A. That is correct.

Mr. Donovan: And threatened?

Mr. Nelson: Threatened.

Mr. Donovan: I do not know of any testimony here that he was threatened by anybody.

The Witness: That is right.



*Testimony of Robert H. Keys*

Mr. Nelson: Which eventually put a final end to grievance performance and processing?

The Witness: Yes.

Q. (By Mr. Nelson) And was recognized by the foremen?

A. When the Company told Mr. Brown he couldn't process any more grievances, when the foremen became  
79 aware of that fact they protested to the superintendent's office and he told them that if they did not like it they could take their hats and start walking, which they did, about 1200 of them.

Q. Now, the Willow Run Plant was engaged at that time in war production one hundred percent?

A. Yes, building B-24 Bombers, the Liberator.

Q. And the 1200 men walked out?

A. They did.

Q. Where were you? Were you here in Detroit at that time?

A. Yes, I was.

Q. What was the event, briefly stated, in connection with that event?

A. Well, as soon as I was notified, I attended a meeting of the striking foremen and they were determined to stay out until the Company recognized their grievance machinery again. The following day, the Company again sent for us and this time we negotiated an agreement with them to negotiate a contract. In other words, they signed an agreement with us that they would meet and negotiate a full contract if we would send the foremen back to work, which we did immediately.

Q. How long were these 1200 men out at the Willow Run Plant?

71 A. One day.

Q. Did you promptly, after that, or shortly after that, begin the negotiations for the contract referred to?

A. Yes, we signed that agreement on December 22, and on December 28 I wrote a letter to the National War Labor Board asking them to hold in abeyance their decision on the case that was pending before them. On February 1, which is the date we had agreed we started negotiations.

Q. That would be February 1, 1944?

A. Yes.

*Testimony of Robert H. Keys*

Q. How long did the negotiations continue, Mr. Keys?

A. Until May 9, 1944, when we signed the present contract that is in effect.

Trial Examiner Jaffee: May 9?

The Witness: May 9, 1944.

Mr. Nelson: Mr. Reporter, will you mark that as Petitioner's Exhibit 1?

(Thereupon the document above referred to was marked Petitioner's Exhibit No. 1 for identification.)

Q. (By Mr. Nelson) Mr. Keys, I show you Petitioner's Exhibit 1 and ask if that is a true copy of the contract of the Ford Motor Company with the Foreman's Association of America, Chapter Number 1, the Ford Chapter?

A. Yes, that is a true copy of the contract signed May 9 with the Ford Motor Company with the Foreman's Association of America.

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Q. An original of this is on file in the office of the Association and available for inspection at any time?

A. That is right.

Mr. Nelson: I desire to offer and do offer this in evidence and I will offer printed copies to counsel, unless they would rather see this one.

Trial Examiner Jaffee: Are there any objections, gentlemen?

Mr. Dahling: May we have a moment, Mr. Examiner?

Trial Examiner Jaffee: Yes.

Mr. Dahling: We do not dispute this contract insofar as it is offered merely for the purpose of showing this contract. We have no objection.

Trial Examiner Jaffee: It is received.

(The document heretofore marked Petitioner's Exhibit No. 1 for identification was received in evidence.)

Q. (By Mr. Nelson) Mr. Keys, since May 9, 1944 and up to the present time, has this contract been in force as between Chapter Number 1 and the Ford Motor Company?

A. Yes.

Q. And it continues in force?

A. Yes.

Q. The contract itself provides for the expiration of the contract—

*Testimony of Robert H. Keys*

73 A. (Interposing) The contract itself provides for the expiration of the contract and renegotiation and so forth. There are supplemental agreements being negotiated at the present time and two supplemental agreements have been signed since the signing of this original on May 9 with the Company.

Q. Amplifying or relating to other matters on which the Chapter and the Company are able to agree?

A. Yes.

Q. Did you have a sort of a standing committee between your Association Chapter Number 1 and the Company for the purpose of dealing with additions and changes to the contract as experience seems to indicate that it should be changed?

A. Yes, Ford Chapter Number 1 has a negotiating committee and the Company has a negotiating committee who meet quite frequently to discuss additional items.

Q. And up to the present time two supplements have been added to that contract?

A. That is true.

Q. And others are in progress on negotiation now?

A. That is true.

Q. The grievance machinery referred to in this contract is in operation and has been since the date of the contract?

74 A. That is right; Mr. Nelson, before you proceed and in order to make the record complete, following the signing of that contract on May 9, I wrote a letter to the Chairman, Chairman Davis of the National War Labor Board and withdrew our War Labor Board case in its entirety because when we signed this contract the three building chairmen, Mr. Kellogg, Mr. Elliott and Mr. Fenrich were reinstated with full back compensation from the time of the discharge so we had no War Labor Board case and I withdrew it.

Q. So that terminates the War Labor Board proceeding?

A. That is correct.

Q. And these three men were returned to the employ of the Ford Motor Company?

A. Yes and compensated with sums up to \$5,000 for back pay.

*Testimony of Robert H. Keys*

Q. Now, Mr. Keys, stepping aside from the general history of the Ford Chapter as outlined in your testimony and taking up the national organization as such, I think you stated this morning that the national organization, that the Ford Chapter, when it was the only chapter, regarded itself at least as the seed of the national organization and acted accordingly, is that correct?

A. That is right.

76 Q. I think you indicated early that it received as much as two or three applications for charters from foremen in similar plants in the Detroit district?

A. That is right.

Q. Did that process continue, or did you continue to receive applications from foremen similarly situated in this and other industrial communities?

A. That continued right up to the present date.

Q. After the adoption of the first constitution for it, that really covered the work of the Ford Chapter and continued provisions looking toward an extension, did you amend and add to your constitution and by-laws?

A. Yes, at the Convention of 1942, 1943 and again in 1944.

Mr. Nelson: I ask the Reporter to mark this as Petitioner's Exhibit 2.

(Thereupon the document above referred to was marked Petitioner's Exhibit No. 2 for identification.)

Q. (By Mr. Nelson) Mr. Keys, I show you Petitioner's Exhibit 2 and ask you if that is a true copy of the Constitution of the Foreman's Association of America, the National organization, at the present time, in force at the present time?

A. Yes.

Q. And that follows the National Convention when?

A. September, 1944.

77 Q. It is the one presently in force?

A. Yes.

Mr. Nelson: I offer Petitioner's Exhibit 2 in evidence and I offer counsel copies for their examination and I offer the original to the Trial Examiner.

Mr. Karasick: I have no objection on the part of the Board.

*Testimony of Robert H. Keys*

Mr. Donovan: Mr. Trial Examiner, I would like to ask Mr. Nelson if he intends to introduce—he is giving a history of the Foreman's Association of America—if he intends to issue the earlier constitution of the Foreman's Association of America where their membership is confined to foremen. This I take it is the last one and where it is not so confined.

Mr. Nelson: Mr. Examiner, in reply to Mr. Donovan's inquiry, we do not agree with his statement of alleged fact with respect to any limitation, but if counsel really desire for us to offer in evidence the first constitution, we have no objection to doing it, and will do so, though I am advised now that we do not happen to have any copies present at the hearing. We will have to get them. Oh, I see they have a copy. We will offer their copy.

Mr. Donovan: Yes, we would like to have it offered.

Mr. Nelson: Good. It does not happen to be the first one, though. I will ask Mr. Keys which one it was.  
78 Do you want to strike out that exhibit number 11 on there, or do you want the first one?

Trial Examiner Jaffee: Off the record.

(Discussion off the record.)

Trial Examiner Jaffee: On the record.

Mr. Donovan: We feel, Mr. Trial Examiner, in view of counsel's offer, which we accept, that we would like to have in evidence the several constitutions of the Foreman's Association, inasmuch as we are having the detailed history of organization unfolded. The reason we want this at this point is because, as it developed here earlier, in the original constitution the Foreman's Association of America contained a provision which apparently limited their membership to foremen. In the subsequent constitution which they have introduced in evidence, it was not so limited, but could include higher supervision.

Trial Examiner Jaffee: In the meantime, Petitioner's Exhibit 2 has already been received.

Mr. Nelson: The scope was wider to begin with than it is now, but it is all right. I will ask the Reporter to mark this as Petitioner's Exhibit Number 3, which I have obtained from Mr. Donovan.



*Testimony of Robert H. Keys*

(Thereupon the document referred to was marked for identification as Petitioner's Exhibit No. 3.)

79 Q. (By Mr. Nelson) Mr. Keys, I ask you what period this constitution of the Foreman's Association of America, marked Petitioner's Exhibit 3, covered in the form that it is in; that is, what year, roughly speaking?

A. This is the amended constitution from the 1943 Convention and was the constitution in effect prior to the constitution that you have offered as Exhibit 2. In other words, Exhibit 2 supersedes this additional constitution.

Q. Now, prior to this, there was still a different one?

A. There was still another.

Mr. Nelson: We will obtain a copy and offer it in evidence. Shall we mark as an exhibit, Mr. Examiner, at this time, that is, reserve a number for it, so as to bring it in the correct sequence with these others?

Trial Examiner Jaffee: Very well. Petitioner's Exhibit Number 3 is received.

(The document heretofore marked for identification as Petitioner's Exhibit No. 3 was received in evidence.)

Trial Examiner Jaffee: Number 4 will be reserved for the document which supersedes Petitioner's Exhibit Number 3.

(Number 4 was reserved at this point to mark Petitioner's Exhibit No. 4 later.)

80 Q. (By Mr. Nelson) Mr. Keys, in general, I take it, the constitutional changes reflected the needs in the growth that accompanied your efforts?

A. That is correct.

Mr. Nelson: I am returning Petitioner's Exhibit Number 3 to Mr. Donovan.

Q. (By Mr. Nelson) Now, Mr. Keys, it has been intimated in a statement by Mr. Donovan here that there was some constitutional provision restricting the membership or making it more narrow than it is now. What is the fact in that connection?

A. There has been a change in the phraseology, but the intention and the construction of the constitution is the same.

Q. Do you, in your experience, in contacting foremen in other plants and other industries find that there are dif-



*Testimony of Robert H. Keys*

ferent names applied; that is to say, if you took a given amount of authority, if you took a given amount of responsibility, that man is called one thing in one shop, another name in another shop, and another name in another shop? Do you find that so?

A. That is right, that has been our experience.

Q. Do you also find that while you included almost exclusively men in the early days of organization, now you have to deal with women supervisors of men and men supervisors of women, is that correct?

81 - A. That is correct.

Q. And so in order to meet those developments in organizational work, you have altered the phraseology in your constitution from time to time?

A. That is correct.

Q. Did it have anything to do with limiting those grades of supervision that you were organizing?

A. No.

Q. Roughly speaking, Mr. Keys, what is your organization? You have spoken of the chapters here and of the National. Are there any other grades of organization or areas?

A. No. We have the National Headquarters located in the Barlum Tower, Detroit, Michigan, and then we have 150 chapters scattered throughout the United States.

Q. Are there regional organizations of chapters and regional directors?

A. Yes.

Q. And when did that develop, formulate itself, or take shape?

A. I could give you the exact date if I could be permitted to investigate our records a little bit. However, so far as regional directors are concerned, we have had a regional director in the City of Chicago on full time, now for about eight or ten months at least.

Q. And you have other regional directors in the country?

82 A. We have a full-time regional director for the State of Illinois, we have a full-time regional director for the State of Indiana, and we have a full-time National Representative that covers any territory or any area

*Testimony of Robert H. Keys*

that we desire to send him into. We have sixteen National Executive Board members who also act in the capacity of National Representatives on part time basis. We have three other National Representatives on part time basis. When I say part time basis, I mean men working in the shops and also acting as representatives for the Association.

Q. Now, beginning at the bottom, you have the individual member, who is in a chapter?

A. Right.

Q. And where there are sufficient number of chapters, a regional organization with a director, and then the national organization itself?

A. That is correct.

Trial Examiner Jaffee: I like to think of the individual members at the top.

Mr. Nelson: Well, he is the foundation of everything, Mr. Examiner, just like good hard work is at the bottom. We put him at the bottom not by way of minimizing his importance; he is the foundation of the whole thing and

the rest of the thing is his servant. I am perfectly  
83 willing to refer to him as being at the top, if that is more harmonious.

Trial Examiner Jaffee: I am sure we are thinking of the same thing anyway.

Q. (By Mr. Nelson) Now, this organization functions through chapter officers?

A. That is correct.

Q. Building representatives or shop representatives of groups of foremen?

A. That is right.

Q. And the chapters have regular meetings?

A. That is right.

Q. At stated intervals and, where possible, at understood places?

A. That is right.

Q. Then the National Executive Board has regular meetings does it?

A. That is correct.

Q. What are they, monthly or bi-monthly?

A. At least once each month.

*Testimony of Robert H. Keys*

Q. And the officers are in contact with others practically daily in the national offices?

A. That is right.

Q. The method of originating rules and legislation for the body is in national conventions?

84 A. Annually

Q. You have not yet gotten around, apparently, to regional conventions?

A. Not yet.

Q. That may develop later on?

A. It is possible.

Q. But the highest legislative function making rules for the body and the officers is the Annual Convention?

A. That is right.

Q. The activities are financed how, briefly?

A. By the dues paid by the members.

Q. And that is apportioned by the region and the national officers?

A. By the chapters and the national officers. Any regional expense is borne by the national office.

Q. That is an expense of the National Office?

A. That is right.

Q. You now have a number of full time men, including yourself, do you?

A. Yes, we have a full time president; two full time presidents, a full time secretary-treasurer, a full time membership director, a full time editor and research director—that is one office combined—and a full time national representative, and two full time regional directors. I  
85 mentioned them before—one in Illinois and in Indiana.

Q. Now, as to the size of these chapters, is the Ford Motor Company Chapter still the largest chapter?

A. Yes.

Mr. Nelson: I will ask the Reporter to mark this as Petitioner's Exhibit Number 5.

(The document referred to was marked for identification as Petitioner's Exhibit Number 5.)

Q. (By Mr. Nelson) Now, Mr. Keys, I hand you legal cap typewritten sheets, 1 to 8, both inclusive, headed, "Chapters, Foreman's Association of America" numbering

*Testimony of Robert H. Keys*

each one, giving the name and address, the date chartered, and the industry in which it works, and I ask you if you have every reason to believe that that is a true and correct statement of what is shown by your books and is a fact as to the organization as it stands now?

A. That is a true listing, but it only shows 146 chapters up to November 30, 1944. There have been others added since that date.

Q. In the past 18 days there have been some additional chapters added?

A. Yes.

Q. But this is true as of the date it bears?

A. It is true as of the date it bears.

86 Mr. Nelson: I offer Exhibit 5 in evidence, and I offer copies to counsel for their inspection. I offer the original to the Examiner.

Trial Examiner Jaffee: You said Petitioner's Exhibit 5 was an accurate list as of the date it bears. What date do you refer to?

The Witness: Mr. Examiner, this exhibit is marked number 5 and shows that on 11-30-44 Chapter Number 146 was chartered. I am looking at the last one on the list here.

Trial Examiner Jaffee: You are looking at the last number?

The Witness: Yes, I am looking at the last one on the list here.

Trial Examiner Jaffee: Since then, how many have been added, approximately?

The Witness: I am sorry, I cannot give it to you. I know there have been some, but I do not know exactly how many but we can find it out.

Trial Examiner Jaffee: Approximately?

The Witness: I was under the opinion that there had been four.

Trial Examiner Jaffee: Very well, are there any objections?

Mr. Dahling: No objections.

Mr. Karasick: No objections.

87 Trial Examiner Jaffee: It will be received. Proceed.

Mr. Nelson: I will ask the Reporter to mark these Exhibits 6 and 7 for the Petitioner.

*Testimony of Robert H. Keys*

(Thereupon the documents above referred to were marked Petitioner's Exhibits Nos. 6 and 7 for identification.)

Q. (By Mr. Nelson) I show you Petitioner's Exhibit 6, Mr. Keys, and ask you if that is an accurate statement as of the date it bears of the growth of the chapters by quarters from the beginning up to December 5, 1944?

Mr. Donovan: Mr. Nelson, doesn't your Exhibit Number 5 give all of your chapters with dates of their charters?

Mr. Nelson: It does, but this is a compilation. It collects that data and puts it on one sheet for you. I have the same thing for the quarterly membership growth on Exhibit 7. It condenses it from eight sheets of paper and you can read the quarterly growth on a half a sheet of paper.

The Witness: That is true. This brings it up to December 5 and shows 148 chapters which shows there have been two added since the date shown on that exhibit (indicating).

Trial Examiner Jaffee: That is Exhibit 5?

Mr. Nelson: That is true also of Exhibit 7.

The Witness: That is true.

88 Mr. Nelson: I offer these exhibits in evidence, Mr. Examiner, and I offer copies to counsel for the Packard Motor Car Company and to the Board and the original I offer to the Examiner.

Mr. Donovan: The present membership is 32,124?

Mr. Nelson: That is approximately right.

The Witness: As of the date shown on Exhibit 5, as of the date December 5.

Mr. Nelson: The answer is yes as of that date.

The Witness: Yes, as of that date.

Mr. Nelson: While we are on that subject, these are men that pay their dues and maintain a living membership in the Association?

The Witness: Yes.

Mr. Donovan: Would you mind, at this time, putting in the amount of the dues?

Q. (By Mr. Nelson) What are the dues?

A. \$1.00 per month.

Q. Per member?



*Testimony of Robert H. Keys*

A. Per member and \$2.00 membership fee to join.

Trial Examiner Jaffee: Initiation fee?

The Witness: Membership fee.

Trial Examiner Jaffee: All right.

89 The Witness: And 50 cents of the dues paying dollar for each member is held by the Chapter and fifty cents paid to the National Office as a per capita tax.

Trial Examiner Jaffee: Fifty cents per month?

The Witness: Yes, sir.

Q. (By Mr. Nelson) May dues be paid annually instead of monthly?

A. Yes.

Q. And you prefer it that way?

A. Yes.

Trial Examiner Jaffee: There is no discount?

The Witness: No discount for cash.

Trial Examiner Jaffee: Are there any objections to Petitioner's Exhibits 6 and 7?

Mr. Dahling: No objections.

Mr. Karasick: No objections.

Trial Examiner Jaffee: They may be received.

(The documents heretofore marked Petitioner's Exhibits 6 and 7 for identification were received in evidence.)

Q. (By Mr. Nelson) By the way, on the matter of dues, so far do you have any checkoff?

A. No.

Q. These dues are all voluntarily paid?

A. Right.

90 Q. Mr. Keys, this staff of officers that you referred to, yourself, two vice-presidents and those in the National Office, their days are taken up during the working day in general with what activities?

A. We all have our specific administrative duties. The secretary-treasurer, of course, handles the finances and works with the secretaries of the chapters. The membership director answers requests for information and sends out material and has jurisdiction over the Regional Director and the National Representatives. The two vice-presidents act as assistant to the president and handle any matters that he assigns to them. Myself as president,

*Testimony of Robert F. Keys*

I have general supervision over the entire organization which covers a multitude of things.

Q. At present you have a couple of proceedings before the New York State Labor Relations Board, do you not?

A. That is right.

Q. That require witnesses and papers and attendance, is that right?

A. That is right.

Q. And for instance, last week you had a hearing before a legislative committee of the State of New York on a proposed amendment?

A. That is right.

Q. And from time to time proposals for legislation for foremen come up in the Congress of the United States?

A. That is correct.

Q. And in addition to that you have grievances by foremen and among foremen, do you not?

A. That is right.

Q. And those matters are frequently appealed to your office and require time and attention?

A. In any chapter where we do not have recognized grievance machinery or a contract with the Employer, practically everything from the Chapter is handled by the National Office.

Q. Until the chapter can more or less stand on its own feet with a full time administration?

A. That is right.

Q. These officers and offices have been added from time to time as the work of the Association increased, has it?

A. That is right.

Q. And as the number of members increased?

A. That is right.

Q. Now, are you familiar with the Constitution and By-Laws of any other supervisory union or association?

A. I have read most of them but I am not too familiar with any of them.

Q. That is, you could not quote them from memory, of course?

A. No, I could not quote them from memory.

Mr. Donovan: What relevancy would testimony of that

*Testimony of Robert H. Keys*

92 kind be, as to the appropriateness of this petition here as to what he knows of some other organizations?

Mr. Nelson: I find out that he does not know and I have no intention to press the matter any further.

Mr. Donovan: I am glad you so found out.

Mr. Nelson: I am not. I wish he knew them all by heart.

Q. (By Mr. Nelson) Do you actually place any geographical limitation on a chapter just as such?

A. No.

Q. So if it organized anywhere within reasonable reach at all you would take it in if other conditions warranted?

A. That is correct.

Q. Do you have any other contracts than the Ford Motor contract?

A. Yes, we have a contract with the United Stove Company located in Ypsilanti, Michigan.

Mr. Nelson: I will ask the Reporter to mark this exhibit Petitioner's Exhibit 8.

(Thereupon the document above referred to was marked Petitioner's Exhibit No. 8 for identification.)

Mr. Nelson: I show you Petitioner's Exhibit 8 and ask you if that is a true and correct copy of that agreement of the United Stove Company.

The Witness: Yes, that is a true copy.

93 Mr. Nelson: I offer Exhibit 8, Petitioner's Exhibit 8 in evidence. I offer copies to counsel for the Board and counsel for the Company and the original to the Trial Examiner.

Mr. Donovan: Mr. Trial Examiner, we object to the relevancy of any miscellaneous agreement if there be more than this, having no bearing on this existence or non-existence of the Association. The right of the Petitioner here could not be tested for the non-existence of any such agreement.

Trial Examiner Jaffee: May I see Board's Exhibit 31 Will the Reporter please read Mr. Donovan's objection again, please?

(Mr. Donovan's objection was read.)

Trial Examiner Jaffee: Do you intend to offer any more, Mr. Nelson?

*Testimony of Robert H. Keys*

Mr. Nelson: I do not think so.

Trial Examiner Jaffee: You seem to predicate your objection on the theory that more would be offered, Mr. Donovan, and in view of Mr. Nelson's statement, do you still object?

Mr. Donovan: We do not see that it is relevant whether or not they had—whether or not they had—if the Foreman's Association of America had an agreement with another concern by the name of the United Stove Company or by any other name. I do not think the relevancy part

94 of the objection would make any difference whether there is one or a dozen of them or more. We could not test the action of the Board as to the Packard Company by the existence or non-existence of any such document as this. Certainly, we could not test what the circumstances were that were connected with the Employer's decision in that case to do certain things perhaps from the necessity or emergency or whatnot. We have no way of knowing anything of that kind nor does the Board and I do not think it is of assistance or any relevancy.

Trial Examiner Jaffee: I think the objection goes more to the weight than the competency. It will be received in evidence.

(The document heretofore marked Petitioner's Exhibit No. 8 for identification was received in evidence.)

Mr. Nelson: I will say to the Trial Examiner so as not to be in a position of making an incorrect answer, we have an oral agreement with another company in the process of being reduced to writing. Perhaps the typewriters are too slow so that Mr. Donovan will not be put to the trouble of making an objection.

Mr. Donovan: In that event I will ask that the statement about it be stricken from the record until such time as we do get the document.

95 Mr. Nelson: I want to warn you that I might have to break my word and put one more in.

Trial Examiner Jaffee: It is a statement of counsel and it is not evidence.

Mr. Nelson: I offer it for the purpose of keeping my lines open if the opportunity offers itself to offer an additional contract. I do not want to foreclose myself.

*Testimony of Robert H. Keys*

Trial Examiner Jaffee: There is one other alternative which you mention, Mr. Nelson. If the typewriters are slow you would not have to worry about it but if the hearing is fast the same will also be true.

Mr. Nelson: Well, we will do what we can on the latter.

Counsel for the Board suggests that the Association attorney take the onus of suggesting a recess; the Company having also stimulated me in that regard, I take it I can make the request.

Trial Examiner Jaffee: I might add that I also heard a similar whisper from the witness. We will take a five-minute recess.

(Recess.)

Trial Examiner Jaffee: On the record:

Q. (By Mr. Nelson) Mr. Keys, prior to May 11, 1943, which I believe is the date of the decision of the Maryland Drydock case, how many petitions for representation had you filed with the National Labor Relations Board? By "you" I mean the Association.

A. I believe it was 20.

Q. And the majority of those petitions emanated from or originated in Detroit or the industrial area of Detroit?

A. Yes.

Mr. Nelson: I ask the Reporter to mark this as Petitioner's Exhibit Number 9.

(The document above referred to was marked for identification as Petitioner's Exhibit No. 9.)

Q. (By Mr. Nelson) Mr. Keys, these five sheets set up the chapters, case numbers, date of filing and the date of withdrawal of dismissal of the various petitions for representation. Does it thoroughly represent the records of the Association and the facts?

A. Yes.

Mr. Nelson: I offer the exhibit in evidence. I, unfortunately, have only one copy of this exhibit this afternoon, but I will prepare copies and furnish them to the Examiner and counsel. I offer it to counsel for the Company and I invite Mr. Karasick, if he is interested, to examine it also.



*Testimony of Robert H. Keys*

Mr. Dahling: May I ask one question, Mr. Examiner?

Trial Examiner Jaffee: Yes.

Mr. Dahling: Was this compilation taken from the  
97 files of the National Labor Relations Board?

Mr. Nelson: I believe it is from the Association files, but I believe it has been compared with the files of the Local Board. We believe it is correct. We offer it, anyway, subject to any error we may have made, but I believe it is substantially correct.

Mr. Karasick: I may say, Mr. Examiner, that I do not know whether this is a complete and accurate list or not. If this has been prepared from the files of the Foreman's Association, I suggest that perhaps Mr. Nelson should qualify Mr. Keys with respect to that and determine that. I do not know how this list was prepared or what it was prepared from.

Q. (By Mr. Nelson) Was it prepared from the files of the Association, Mr. Keys?

A. Yes. In each case we got a copy of the petition, which we retained in our files, and that was taken from our files and from the copies of the original petitions.

Mr. Donovan: Mr. Trial Examiner, Do I understand that the witness is speaking of former petitions that were lodged with the National Labor Relations Board, the Seventh Regional Office here?

Mr. Nelson: That is right.

The Witness: That's right.

Mr. Nelson: Prior to the decision of the Maryland  
98 Drydock case.

Mr. Donovan: All the petitions you filed are on this list and they were all the petitions filed with the Seventh Regional Office of the National Labor Relations Board?

Mr. Nelson: No, I think they are coupled with Cleveland, to be fair about it.

Mr. Donovan: As least, all you filed in Detroit, you filed with the Seventh Regional Office of the National Labor Relations Board here in Detroit?

The Witness: That is right.

Mr. Donovan: And this contains a complete list of such petitions?

*Testimony of Robert H. Keys*

The Witness: From the records that we have, yes.

Mr. Donovan: May I ask the witness a question about this exhibit, Mr. Examiner?

Trial Examiner Jaffee: Yes.

Mr. Donovan: Did you execute these petitions?

The Witness: Most of them I did, myself.

Mr. Donovan: Did you supervise the execution of the others?

The Witness: No.

Mr. Donovan: Some were executed by you and some were not?

The Witness: There may have been one or two that were executed by a vice-president.

99 Mr. Donovan: Did they all go through your offices of the Foreman's Association of America?

The Witness: To my knowledge, yes.

Mr. Donovan: And your office received, likewise, an official indication of the disposition in each case, as to each one of those petitions?

The Witness: Those petitions were pending when the Board returned its Maryland Drydock decision.

Mr. Donovan: So that this is a complete list of the petitions formally filed with the National Labor Relations Board, with the Seventh Regional Office of the National Labor Relations Board, excepting for outstate chapters, from the very first until the Maryland Drydock decision?

The Witness: It is a complete list as far as our records shows. If any copies have been lost, I do not know of it, but our present day record shows we filed those on that list.

Mr. Donovan: Why does this offer of evidence not contain the first petition that was filed in the Packard case?

The Witness: If it doesn't contain it, it should. It was filed in the Seventh Region.

Mr. Donovan: It was, and there was a disposition made of it, is that right?

100 The Witness: I don't know of any disposition, other than the election.

Mr. Donovan: Well, can you think of any other petition, aside from the first Packard petition, which this offered exhibit does not include?

*Testimony of Robert H. Keys*

The Witness: No, I cannot.

Mr. Donovan: But you do think of that as an omission from this list, the first Packard petition?

The Witness: Yes, to this extent, I know I filed a petition on Packard.

Mr. Donovan: Why did you not include that in this exhibit?

The Witness: I didn't know it wasn't on that list.

Mr. Nelson: Perhaps I can answer that, if counsel will permit me to answer it. I do not want to interrupt, but I can answer that.

Mr. Donovan: Well, the witness has offered this as an exhibit and has identified it.

Mr. Nelson: Oh, no, I offered it and it was prepared with my assistance too, and Packard was knowingly omitted from this exhibit.

Mr. Donovan: I am still at a loss to account for the offering of Petitioner's Exhibit Number 9 as a list of all petitions filed with the Seventh Regional Board of the National Labor Relations Board from the first of such petitions filed by or on behalf of the Foreman's Association of America up to the time of the decision of the Maryland Drydock case. This witness has said at least twice that this is a list of all the petitions of which he has any knowledge, and he now says it does not contain the Packard petition. I would like to have the witness state why the Packard's former petition, which he states was filed, to his knowledge, was omitted from the list?

The Witness: Mr. Donovan, I don't think you heard me correctly. I said I didn't know it was missing from the list; that I recall having filed the Packard petition.

Mr. Donovan: Well, would you like to examine this list and see if you can find it on there?

Mr. Nelson: We can save time on this. I conceded it is not there. I know why it is not there and Mr. Donovan, if he wants to know why, I will tell him. If he wants to elicit it from this witness, that is a different matter. I do not know if the witness knows why or not.

Trial Examiner Jaffee: Well, do you?

The Witness: No.

*Testimony of Robert H. Keys*

Trial Examiner Jaffee: All right.

Mr. Nelson: Do you want to know why? I want to make a statement on the record. It isn't there because that case was processed. In other words, there was an election and since that time those cases on Exhibit 9 were pending at the time of the Maryland Drydock case.

102 Trial Examiner Jaffee: Petitioner's Exhibit 9 is a list of the cases pending at the time of the Maryland Drydock case?

Mr. Nelson: The exhibit so indicated. I would like for that to be put in in the proper light. The only petition pending at present is the petition presently being heard here.

Mr. Donovan: I would like to ask the Trial Examiner if I might ask the witness to state on the record at this point the disposition of the Packard petition.

Trial Examiner Jaffee: I thought the witness had indicated that it was disposed of by an election.

Mr. Donovan: He said it was processed. Does that mean that it was processed and they had an election and that the present Petitioner was designated as the statutory representative of the foremen? That the Foreman's Association of America in an election were designated as the statutory representatives for bargaining purposes? Was that the disposition? If not, I would like to know of it.

The Witness: The disposition of the petition, to the best of my knowledge, is the following. We filed a petition with the Board and the Field Examiner called Mr. Weiss of the Packard Motor Car Company—

Mr. Donovan: (Interposing) I am only inquiring what finally became of it. Weren't you received as a  
103 bargaining unit at that time?

The Witness: We received a certification from the Regional Office here of the election only.

Mr. Donovan: From the Seventh Regional Office?

The Witness: Yes, certifying the election from the Seventh Regional Office.

Mr. Donovan: That certified the Foreman's Association of America as the designated representative?

The Witness: It certified the election results.

*Testimony of Robert H. Keys*

Mr. Donovan: All right.

Mr. Nelson: Then the Maryland Drydock decision intervened?

The Witness: That is right.

Mr. Nelson: That is as far as it went, so far as you know?

The Witness: That is right.

Trial Examiner Jaffee: This is the only petition, that is, this pending one?

The Witness: That is the only one we filed.

Mr. Nelson: The present petition here is the only petition filed since that time.

The Witness: Yes, with the National Labor Relations Board.

Mr. Nelson: Now, Mr. Keys—

Mr. Karasick: (Interposing) You have not had a  
104 ruling on this yet.

Mr. Nelson: I do not believe, Mr. Examiner, I have had a ruling on Exhibit 9.

Trial Examiner Jaffee: It will be received.

(The document heretofore marked Petitioner's Exhibit No. 9 for identification was received in evidence.)

Q. (By Mr. Nelson) Coming back for a moment to the Ford Motor Company, there are two matters I think I omitted that I think are important and that should be put in, before we get too far from it. Since the filing and since the signing and delivery of the contract, what has been the history of your relations with the Ford Motor Company?

Mr. Dahling: Mr. Examiner, we have made no objections to a rather wide inquiry on the part of counsel for the Association in connection with the Ford Motor Company and other unions. The chief reason was that we did not want to delay the hearing. If we are going back into the Ford matter again, however, I would like to make a motion at this time in connection with all the testimony that relates to the Ford matter. The matter before the Board now is the Packard Motor Car Company, and not the Ford Motor Car Company. I now move that all of this witness' testimony with respect to the matters pertaining to the Ford Motor Car Company be stricken.



*Testimony of Robert H. Keys*

105 Trial Examiner Jaffee: I will call your attention to the fact that on Board's Exhibit 3, the second to the last paragraph, I think it is, there appears the following language:

"The history of the bargaining unit in the plant or in the industry should be disclosed."

Of course, as I said before, that does not necessarily mean that because it is in that exhibit it is automatically admissible. Nevertheless, it has been the Board's custom in the past and I believe still is, to take such evidence. I need not pass at the moment upon the degree to which it is admissible. That I assume cannot be determined in advance of proffered testimony. The motion to strike is denied insofar as the motion may be construed to be objections to pending questions. It is overruled in either event. The right is reserved to counsel for the Company to renew the motion at some subsequent stage of the hearing.

Mr. Dahling: May the same objection apply to all further testimony along the same line that has been objected to?

Trial Examiner Jaffee: Yes, I will assume that you will have a continuing objection to evidence with reference to the Ford Motor Company without having to so repeat it.

Mr. Nelson: The Examiner permits you to answer the question, Mr. Witness. Have there been any incidents since the signing of the contract and up to the present time?

106 The Witness: By incidents you mean strikes?

Q. (By Mr. Nelson) Yes, work stoppages or difficulties of that kind.

A. Yes, there has been. There was a work stoppage at the Bomber Plant on October 15, 1944. About 180 foremen left their jobs at noon in protest over a violation of our contract regarding seniority and demotions. I attended a meeting that same night of October 15 of the striking foremen and persuaded the afternoon shift to go to work. The following morning the day shift went back in and at noon on the 17th they attempted to strike again.

*Testimony of Robert H. Keys*

but this time the officers were prepared for it and I personally called the Chapter president and the Chairman of the Bomber Plant and ordered them to keep those men on their jobs and to follow the grievance machinery as provided for in the contract, which they have done. On November 16, 1944, eleven foremen over the frame job in the rolling mill at the Rouge Plant struck in protest of the removal of a foreman and the Chapter officers were called in and settled it. The men were off their jobs from 8:00 A. M. to 11:00 A. M. The eleven men, and they were docked four hours for their action. We had one other incident, I do not recall the date, it was not a strike, although the newspaper carried a short item on it. It was here in Detroit—the newspapers called it a strike. About 100 or so foremen in the pressed steel building 107 went to the superintendent's office in a body and protested demotions not in conformity with the contract. They did not leave the building, however, and as soon as the Ford Motor Company called me I got on the job with the other officers and we had it settled in about an hour.

Trial Examiner Jaffee: What was that date?

The Witness: I do not have the exact date of that.

Mr. Nelson: The month?

The Witness: Well, that was probably July or August of 1944. It is since we signed the contract. The two most recent incidents that I have described a moment ago, I have the actual date on that.

Mr. Nelson: Counsel for the Company in whispered conversation here with me fixed about the third week in July, 1944 as the approximate date of that incident. I think I will be fair in stating that we all recognize the incident and know what it is. We are not just able to lay our hands on the precise date at this time.

The Witness: I would say that the latter part of July would be correct.

Mr. Nelson: They say the third week in July and that is near enough. There is only incident of that kind with eleven foremen.

The Witness: That incident was not the eleven foremen.

*Testimony of Robert H. Keys*

108 I do not know how many were involved but I think over 100. The eleven foremen incident was the one of November 16th that I explained a moment ago.

Mr. Nelson: I see.

Q. (By Mr. Nelson) Also with respect to the Ford contract and the negotiations that arrived at it, I think you stated that these three men, Kellogg, Fenrich and Elliott, had been returned to their jobs. Now, you mean by that that so far as the Company was concerned, it opened the door for them to go back and gave them their back pay?

A. That is right.

Q. Did they go back? I overlooked asking you that, whether they actually went back.

A. Mr. Fenrich, one of them, went back. Mr. William Elliott was elected to the office of president of the Chapter and went on full time for the chapter but drew his back compensation from the Company. Of course, Mr. Fenrich, who did go back, drew back compensation from the Company. Mr. Kellogg did not go back and has not drawn his back compensation to date, because during his absence the Company eliminated the exact job he had performed and offered him a job of similar nature at the same rate of pay with the back compensation and he refused to accept it. In the meantime, he has gained employment with some other company and has not gone back to the Ford Motor Company to even pick up his check,  
109 which I understand is in the sum of \$5,900, if I am not mistaken.

Mr. Donovan: How long has that check been made available to him?

Mr. Nelson: It is plain he is not a lawyer.

Trial Examiner Jaffee: Off the record.

(Discussion off the record.)

110 Trial Examiner Jaffee: On the record.

Q. (By Mr. Nelson): Mr. Keys, your testimony would indicate that now you have experience to some extent in the Association and in your work for it in the plants where foremen were involved before and after organization and before and after entering into contracts, is that correct?

A. That is correct.

*Testimony of Robert H. Keys*

Q. Well, taking the matter of contracts first, let me ask you first whether you observed any difference between the plants and their relationships towards supervisors before entering into a contract and after entering into a contract?

A. Yes.

Mr. Dahling: Just a moment, Mr. Examiner. I do not believe this witness has ever been sufficiently qualified to answer a question of that character.

Trial Examiner Jaffee: Will you read the question, please?

(Question read.)

Trial Examiner Jaffee: You may answer yes or no.

The Witness: Yes.

Q. (By Mr. Nelson): Now, have you served on practically all of the committees that have negotiated contracts for supervisors?

A. I have. I have been chairman of the only committees that have negotiated contracts in the past.

111 Q. And practically have attended all their meetings and negotiations with the employer?

A. That is correct.

Q. Did you also have a good deal to do with the wording of the contracts?

A. I did.

Q. And the subject matter of the contracts?

A. I did.

Q. The specific agreements arrived at in the contracts?

A. I did.

Q. In order to do that, did you acquire a wide knowledge of the situation of those respective plants with respect to supervision?

A. I did.

Mr. Donovan: Just a moment. Your Honor, I object to that question. I think it is too general. I think it is not based on testimony in the record. There has only been one small concern named here, other than the Ford Motor Company, and it was that one that caused some discussion as to whether that contract was relevant. Now, this witness is being asked if he did not get a very wide

*Testimony of Robert H. Keys*

knowledge in their contract negotiations. I think the question is objectionable in form, it is too broad, and it is capable of an unfavorable inference against the Respondent Company.

112 Trial Examiner Jaffee: The objection is sustained as leading.

Q. (By Mr. Nelson): Well, as to the Ford Motor Company, you worked there for how many years yourself?

A. Seven years.

Q. Well, during that time—you were a foreman approximately seven years, or six years, rather?

A. I thought I was, as I stated this morning.

Q. And you observed—

Mr. Donovan (interposing): Just a moment. I do not want to object after every question is asked, but I have objected very little to leading questions and I think within reasonable limits one should permit some leading questions. I think this witness should be asked for his factual knowledge rather than being led too much by counsel.

Mr. Nelson: Very well.

Q. (By Mr. Nelson): Were you familiar with the situation in the Ford Motor Company with respect to supervisors before signing the contract?

A. Yes.

113 Q. And have you been familiar with the situation in the Ford Motor Company with respect to supervisors since the signing of the contract?

A. Yes.

Q. If I ask you the same questions with respect to the United Stove Company, how would you answer them?

A. Yes, but not to the extent that I am with the Ford Motor Company.

Q. Well, is your knowledge of conditions there before and after the signing of the contract such that you could tell us any differences that exist with respect to supervisors before and after the signing of the contract?

A. Yes.

Mr. Donovan: Just a minute; I will object to that.

Mr. Nelson: He says he can. What are you going to do about that?



*Testimony of Robert H. Keys*

Mr. Donovan: I will object to that unless it is confined to the two plants mentioned.

Mr. Nelson: That is all I am asking him about.

The Witness: With respect to the Ford Motor Company.

Q. (By Mr. Nelson): Now, my question is, Mr. Keys; give us some of those differences and take whichever company you desire first. Which one do you want to take?

A. I will speak of the Ford Motor Company.

Q. All right, the Ford Motor Company, before and after the signing of the contract with respect to supervisors, and the operation of the Company; if you have any  
114 information on the subject?

A. Before the signing of the first contract with the Ford Motor Company there was no standard set of classifications for supervisory employees. There are a number of buildings located fairly closely together in the Rouge, and at most of the buildings they had a different set of classifications for supervisory employees doing the same identical work, supervising the same types of work. The contract provided for six standard classifications to be used in all of the Ford Buildings and plants. Before the signing of the contract, the foremen were paid various wages or salaries for doing the same identical work, supervising the same type of people and same type of work, and the contract established standard sliding scales for these classifications. It equalized the moneys paid to the foremen for similar work performed. Prior to the signing of the first contract, supervision had no designation whatsoever, other than the classification decided upon by the superintendent of the building. They didn't even wear a badge that carried the word "Foreman" or "Supervisor." Following the signing of the contract, all the foremen were provided with a different type of badge showing their classification.

Q. While you are on that, Mr. Keys, is classification an important thing to a foreman in the performance of his functions?

115 A. The Company pays foremen according to how they are classified. Therefore, it is a very important thing to a foreman.

*Testimony of Robert H. Keys*

Q. And it is important that his classification should be certain, should be known to him and known to the men he supervises, is it?

A. Very important, yes.

Q. Now, resume where I interrupted you.

A. Prior to the signing of the contract, it is a fact that the Company would demote and did demote as many as three and four hundred foremen in a month's time and promote from the rank and file to foremen's jobs three to four hundred foremen during the same month. The Company, of course, was losing a lot of money that they had invested in foremen by doing this. Following the signing of the contract, an availability list and records were kept and a system put into effect whereby the superintendent of the building could not promote a person to a foremanship or remove from a foremanship any person without consulting with the foremen's office, because in many instances, in one building it would become necessary to demote foremen with years of experience and ability and put them back to work; whereas, in another building, right across the road, they were creating new foremanships because they needed supervisory employees. So they all had to clear through the foremen's personnel  
116 office and now the man with the experience that is being demoted, instead of going back to the rank and file, moves over and takes the job for which he is qualified. And, of course, there was absolutely no grievance machinery prior to the signing of the first contract and one after the signing of the first one, but a very detailed grievance machinery provided for in the May 9th contract—was provided for in that contract. If a foreman had a grievance, regardless of the nature of the grievance, he had absolutely no one to go to except the superintendent who could make arbitrary decisions if he so decided, and it wasn't uncommon for foremen with years of seniority to be discharged or demoted without any consideration whatsoever. The grievance machinery has, of course, eliminated that to a great degree. Any foreman under the present grievance machinery having a grievance, can reduce that grievance to writing and it goes through the stages provided for in the contract.

*Testimony of Robert H. Keys*

Mr. Dahling: I did not wish to interrupt the witness during his long answer, but I would call your attention again to the fact that you are dealing with grievances here, you are dealing with a situation which is not in the Packard Motor Car Company and going very far afield. I move again that the long answer of the witness to 117 the last question be stricken as irrelevant and immaterial to any issues in this proceeding.

Trial Examiner Jaffee: Same ruling as before.

Q. (By Mr. Nelson): While you are on the subject of grievances, prior to the making of the contract, if the foreman himself were involved in the grievance, did he have any representative with him or would he have to confront management alone?

Mr. Dahling: Mr. Examiner, I must object to that. What machinery the Company might have, I do not see how that could have any relevancy on this matter of an appropriate unit.

Mr. Nelson: Mr. Examiner, I am trying to preserve Mr. Dahling's innocence of the grievances at the Packard Motor Car Company until tomorrow. We will get into the subject matter at Packard later.

Mr. Dahling: Which would likewise be objectionable, so far as this hearing is concerned.

Trial Examiner Jaffee: He may answer.

Q. (By Mr. Nelson): The question was, briefly, did foreman have any representative to assist him or did he confront the situation alone, whatever it was?

A. No, there was absolutely no grievance machinery, as such. The only channels that were available, to my knowledge, was that a man could go alone to his superintendent if he had the nerve to do so. I know a few 118 who did do it, but the unfortunate part of it is that foremen still had to work for the superintendent and if they went to the superintendent with a grievance, the superintendent became angry and made it very miserable for the foremen in the future. So the men carried their grievances around with them instead of attempting to settle them individually. That is why they joined the Foreman's Association.

*Testimony of Robert H. Keys*

Q. And that situation has changed, as you have indicated, by the contract through the operation of the grievance machinery?

A. Yes, and it has not only changed because of the grievance machinery, but the representatives of the Company themselves have taken an entirely opposite position and perhaps viewpoint as to what they did prior to the signing of the contract. In other words, the foremen right now, they take their grievances up and the Company has been very fair in giving honest decisions. Our records show that 98 per cent have been settled to the satisfaction of the aggrieved foremen.

Q. In other words, the fact that there is this machinery brings about a change on both sides, is that right?

A. That is right.

Q. Just the very fact that it is there?

A. That is correct.

Q. And you ascribe to that as important a place as  
119 the operation of the grievance machinery itself?

A. Yes.

Q. Just the fact that you have it?

A. Just the fact that it is available, if needed.

Q. (By Mr. Nelson): Now, I take it, Mr. Keys, in speaking of grievances you have been speaking of the grievances of supervisors, is that correct?

A. That is all I have reference to, just to supervisors.

Q. You have not talked about the grievances of maintenance or production workers?

A. No.

Q. Grievances of maintenance or production workers involving a foreman, either?

A. Just the foreman's own grievances.

Q. Relating to the classifications, wages, hours and conditions of labor of the foremen?

A. That is correct.

Q. Do you keep statistics of the number of grievances? Have you gotten far enough along so that you have a set of figures that represent roughly the result of grievance operation?

A. Yes. I do not have them personally, but the Ford

*Testimony of Robert H. Keys*

Chapter has them. They have a record and an analysis of the workings of the grievance machinery and various other things since the signing of the contract.

120 Q. Your testimony seems to indicate, Mr. Keys, that these grievances were settled now with a great deal less of disturbance, both physical and mental and otherwise; is that a fact?

A. That is the fact. Outside of those two incidents that I mentioned very briefly we have had no disturbances, outside of those two, to my knowledge.

Q. Now, Mr. Keys, in addition to the benefits to supervision from the established and recognized grievance machinery and the contract with the employers, have any benefits come to the maintenance and production workers as a result or incidental thereto? Does it result in any better conditions for the maintenance and production workers, and, if so, in what way?

Mr. Dahling: Mr. Examiner, I presume all this testimony is likewise subject to the objections we have made to certain specific questions. Whether it deals with Ford or whether it deals with other companies, that is. Now the witness testified, as I understand it, as to the Ford Motor Car Company and this grievance matter which we previously objected to was overruled. I do not recall whether I stated at that time or requested that any further questions along that line be subject to the same objection. I would like to make that position clear now.

Trial Examiner Jaffee: The question then arises  
121 whether or not this is "along that line."

Mr. Dahling: I have in mind any question relating to grievances and the manner in which grievances in the past were settled or are now settled, in addition to the fact that the objection, of course, goes to the fact that all this testimony relates to another company and not the Packard Motor Car Company. There are two objections, one is that the matter of grievances has nothing to do with this particular proceeding and the second objection made was that things which may have happened at the Ford Motor Car Company or any of the other companies, are irrelevant and immaterial, as far as this proceeding involving the Packard Motor Car Company is concerned.



*Testimony of Robert H. Keys*

Trial Examiner Jaffee: Whether grievances or otherwise.

Mr. Dahling: Whether grievances or otherwise. I would not want to be forced on that later. I understand this testimony is taken subject to those objections?

Trial Examiner Jaffee: Yes. If there may be any question about your failure to object in the past in connection with matters you have just referred to, Mr. Dahling, I will assume you have made a timely objection thereto in the past as well as in the future.

Mr. Dahling: My purpose was not to object to each question because I have no wish to delay the proceedings.

122 The Witness: We have never in any of our conferences with the Ford Motor Car Company or in any of our agreements with them discussed or provided in any manner for the rank and file employees. They have all been confined to our own particular problems. However, my own personal experience has been that the Foreman's organization has created better fellowship in the plant and that the people working under the supervision of the foremen who are members of our organization have been doing a very good job of producing, which can be substantiated by the fact that the Company has been awarded the Army and Navy "E" on two or three occasions. The Bomber plant has been cited for its marvelous production. This was all produced under the supervision of the Foreman's Association of America, members and the production workers of the UAW-CIO.

123 Q. (By Mr. Nelson) I understand that this contract with the Ford Motor Car Company has been offered in evidence here and was endorsed by the National War Labor Board so to speak.

A. The contract in its entirety has been approved by the National War Labor Board.

Mr. Dahling: If that is a fact, the best evidence would be the record of the Board and not this witness' testimony.

The Witness: We have the records and we will be glad to submit them.

Mr. Nelson: I will comply with the suggestion of counsel and give it to them in writing. I am not able to do it

*Testimony of Robert H. Keys*

just now. If I may reserve that right until I have had an opportunity.

Trial Examiner Jaffee: Yes, you may.

Q. (By Mr. Nelson) Mr. Keys, I suppose the Company itself would be the best witness on this but have you received any benefit flowing from the operation of this contract and its effect upon the supervisors and hourly rated employees, tending to benefit the Company. You have indicated some increase in production. Do you have anything else in mind that would seem to make the task of the Company less difficult and more fruitful?

A. Well, I think that the benefit that the Company

124 has derived from this contract with the Foreman's

Association is that it definitely increased the efficiency and increased the production and naturally there were more profits. When the Company benefits, all of the employees benefit eventually or indirectly. So, if the Foreman's Association has been instrumental in increasing the efficiency, which I think it has, and which I think I can prove, if necessary, naturally, the rank and file employees are gaining also, in the matter of better wages and better working conditions and so forth. We do know this, that prior to the signing of the contract in the past there have been a number of incidents where the rank and file employees and the foremen have been engaged in fistcuffs and I have not heard of any since the signing of the contract. I am not familiar with any.

Q. That would indicate to you that there is a better relationship between supervision and the men they supervise?

A. There is a better spirit of cooperation definitely.

Q. Now, coming to the Packard Motor Car Company, there came a time when the foremen at the Packard Company evinced an interest in the Foreman's Association, did they?

A. Yes.

Q. Do you remember about when that was?

A. I cannot recall the exact date that they approached the Association and requested membership but I can

125 tell you that the chapter was chartered by the Association on October 13, 1942.

*Testimony of Robert H. Keys*

Mr. Nelson: I will ask the Reporter to mark that paper, Exhibit 10, Petitioner's Exhibit 10.

(Thereupon the document above referred to was marked Petitioner's Exhibit No. 10 for identification.)

Q. (By Mr. Nelson) Is Exhibit 10—Well, you tell us what it is. Take a look at it.

A. It is an application for a charter addressed to the Membership Director of the Foreman's Association of America and is signed by the foremen employees of the Packard Motor Car Company.

Mr. Nelson: I have only the original of this and I offer it in evidence. I offer it to counsel for their examination.

Mr. Donovan: No objection to this exhibit but I cannot make the date of it out.

Mr. Nelson: May it be received, Mr. Examiner?

Mr. Karasick: May I see it, please?

Mr. Dahling: May we have a copy of this?

Mr. Nelson: Yes, we will have copies to furnish you.

Trial Examiner Jaffee: I trust your copy will bear a legible date?

Mr. Nelson: I will give your Honor the date in just a moment.

126 Trial Examiner Jaffee: All right.

Mr. Karasick: No objection.

Trial Examiner Jaffee: It will be received.

(The document heretofore marked Petitioner's Exhibit No. 10 for identification was received in evidence.)

Mr. Nelson: Petitioner's Exhibit Number 10 is on the letterhead of the Association and it is without date excepting that there is noted at the bottom that the charter was granted 10-13-42, which I now show the Company's counsel. That statement applies to both sides of the paper; as it will be observed, the paper bears at least the names and addresses on both sides. I think I should say there is another date on the face of the paper which is 10-11-42, which is presumably the date of filing. The charter was granted two days later on the 13th.

Q. (By Mr. Nelson) Mr. Keys, while we are on that subject, was the charter granted?

A. Yes, on October 13, 1942.

*Testimony of Robert H. Keys*

Mr. Nelson: I ask the Reporter to mark this Exhibit 11, Petitioner's Exhibit 11 for identification.

(Thereupon the document above referred to was marked Petitioner's Exhibit No. 11 for identification.)

Q. (By Mr. Nelson) Is that a true copy of the charter as granted?

A. Yes.

127 Q. Well then—

Mr. Nelson: I offer Exhibit 11 in evidence and I offer copies of the exhibit to counsel for their examination and the original to the Trial Examiner.

Mr. Karasick: No objections.

Mr. Dahling: No objection.

Trial Examiner Jaffee: It will be received.

(The document heretofore marked Petitioner's Exhibit No. 11 for identification was received in evidence.)

Q. (By Mr. Nelson) Did you have anything to do with the organization of the Packard Chapter personally, Mr. Keys?

A. Nothing beyond talking to the original men that were seeking organization. So far as going out into the plant and organizing anything, to that extent, no.

Q. That is, you talked to men who came from the supervisory group at the Packard? Where did they come to see you?

A. At that time they would all have to come to what is now the Ford Chapter office, 5746 Shaeffer Road, Dearborn. Our membership director, on any lead like that would immediately contact the people. Very frequently they held meetings at other places. All of our leads at that time came to 5746 Shaeffer Road, our headquarters at that time.

Q. That is in Dearborn, which is west of Detroit and the Packard Plant is in the northeasterly section of Detroit?

128 A. That is right.

Q. But you did have to do, didn't you, Mr. Keys, with the filing of the representation petition with the National Labor Relations Board on behalf of the Packard Chapter?

A. Yes, I handled that matter.

Q. You signed the petition, didn't you?

*Testimony of Robert H. Keys*

A. Yes.

Q. And as the files show here, filed them?

A. I filed it.

Mr. Donovan: Are you speaking of the first petition now?

Mr. Nelson: I am speaking of the petition filed shortly after the organization of the Chapter.

The Witness: That was filed on January 15, 1943.

Mr. Karasick: For the record, the case number is 7-R-1279.

Q. (By Mr. Nelson) Did you make a demand on the Packard Motor Car Company previous to that in writing?

A. On November 27, 1942, I wrote a letter to Mr. C. E. Weiss, Industrial Relations Manager, and asked him for a conference. I received a letter dated December 1, 1942 from Mr. Weiss stating the time and place that I could meet him. In his letter he stated he would be glad to see me individually on December 4, 1943. There was nothing in the letter in the form of a demand other than the  
129 request for a conference. I got the answer setting the time and place for the conference.

Mr. Nelson: Mr. Examiner, in my function as alarm clock for counsel for the Company and for the Reporter, I am under the necessity of speaking up. I am not saying a word for myself. I do not know what disposition Your Honor will make to a petition like that.

Trial Examiner Jaffee: Well, since you seem to be under pressure, I will yield under the accumulated pressure and we will recess at this time until tomorrow morning at nine-thirty A. M. in the same room.

(Whereupon, at 4:30 o'clock p. m., Monday, December 18, 1944, the hearing in the above-entitled matter was adjourned until tomorrow, Tuesday, December 19, 1944 at 9:30 o'clock a. m.)



*Proceedings*

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Rooms 715-716 Federal Building,  
Detroit, Michigan,  
Tuesday, December 19, 1944.

Pursuant to adjournment, the above-entitled matter came on for hearing at 9:30 A. M.

Before:

Samuel H. Jaffee, Trial Examiner.

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PROCEEDINGS.

Trial Examiner Jaffee: The hearing is in order, gentlemen. Are we ready to proceed?

Mr. Karasick: Mr. Examiner, during the course of yesterday's session, Mr. Donovan requested a personal copy of the Trial Examiner's Statement in "R" cases admitted in evidence as Board's Exhibit 3. I obtained a copy of that document for Mr. Donovan and I am going to give it to him now.

Mr. Donovan: Thank you.

Mr. Nelson: Mr. Examiner, I believe you have Exhibit Number 10, which is an original, of which we have no copy. We would like the release of that so that we may have a photostat made.

Trial Examiner Jaffee: You say the exhibit is in my possession, you mean it is in the possession of the Reporter. A photostatic copy may be substituted.

Mr. Nelson: We will take it now and be responsible for it and furnish the photostat. Yesterday there was some controversy concerning the first Constitution of the Foreman's Association. I now offer it as Petitioner's Exhibit 4.

Trial Examiner Jaffee: I might say, to keep the record straight, that you have already offered it and it already was received. The copy you now have may be received because you returned the original to Mr. Donovan.

133. Mr. Nelson: This was the first one. There will be three in evidence now.

Trial Examiner Jaffee: I will stand by my statement. I know that Mr. Donovan gave it to you and you had it marked and then returned it to him.

*Proceedings*

Mr. Karasick: I believe that was Petitioner's Exhibit 3. There was no copy of Petitioner's Exhibit 4 available. That is the document Mr. Nelson is now speaking of.

Trial Examiner Jaffee: Petitioner's Exhibit 4 was the number which was reserved. It is received in evidence.

(The document heretofore reserved as Petitioner's Exhibit 4 for identification was received in evidence.)

Mr. Donovan: I understand that there is not a copy of this available for me. I will be glad and content to use certain portions of the exhibit when the time comes to question witnesses about it.

Mr. Nelson: I will have one here available for your own personal use. I will leave this one with the exhibits, Mr. Examiner.

Mr. Karasick: Do you have any extra copies of that?

Mr. Nelson: I will dig up one or two to have for use here.

Mr. Karasick: Thank you.

Mr. Donovan: May I ask the Board counsel if he has an extra copy of the exhibits which contain the list of  
134 petitions to the Board and the disposition of them?

We have only one of them and we would like to have another one.

Mr. Karasick: The exhibit you are referring to is an exhibit of the Petitioner.

Mr. Donovan: I think it is the Petitioner's exhibit, yes, that is right.

Mr. Karasick: I do not believe the Board has any such exhibit.

Mr. Donovan: Mr. Nelson, do you have a copy?

Mr. Nelson: We are having copies made this morning. We were not able to keep a secretary last night to do it. Oh, I see it has been done and we will furnish them now. I did not know it had been done.

Trial Examiner Jaffee: Call your witness.

*Testimony of Robert H. Keys*

**ROBERT H. KEYS**

resumed the stand, was examined and testified further as follows:

**Direct Examination (Continued).**

Q. (By Mr. Nelson). Mr. Keys, at the conclusion of the yesterday evening session we were inquiring about your connection with the organization of the Packard Motor Car Company Chapter of the Association. Were you aware of the organizing effort there and did you take a part in them?

A. Well, as I stated yesterday, Mr. Nelson, they contacted the Association and asked that a representative be sent out. Meetings were held but I did not take too active a part in the actual organizing other than acting in an advisory capacity.

Q. You knew of the organization, didn't you?

A. Oh, yes.

Q. When the time came for a demand upon the Employer, the Packard Motor Car Company, for recognition of the Chapter as the bargaining agent for the supervisory force, did you take part in that?

A. Yes, I wrote the first letter to the Packard Motor Car Company addressed to Mr. C. E. Weiss, Industrial Relations Manager on November 27, 1942. In this letter I stated that we represented a majority and would like to have a conference. Mr. Weiss answered that letter December 1, 1942 setting an appointment for December 4, 1942.

Q. Did you keep that appointment?

A. Yes, I kept that appointment, accompanied by Mr. Brown, one of our Executive Board members.

Q. And who was there on behalf of the Company?

A. To the best of my recollection, at that first meeting, there was just Mr. Weiss. I am not sure whether Mr. Bird was there or not. I know on subsequent meetings there was a Mr. Bird present, but I can't remember whether he was there at the first meeting.

Q. What was the subject of the conference?

136 A. We discussed the aims and purposes of the Association and, of course, we explained to the In-

*Testimony of Robert H. Keys*

dustrial Relations Manager, Mr. Weiss, that we represented a majority and we wanted to start negotiations for recognition and collective bargaining, and he stated he thought we were probably—or, if not, at that time,—a part of the CIO, we would be very shortly and of course, we denied that and he asked to have a few days to think it over. So on December 10, 1942, Mr. Weiss sent me another letter stating he would be glad to meet with our committee on December 15.

On December 15, I kept the appointment and I was accompanied by Mr. Elmer Ross, who was our Membership Director at that time, and we talked with Mr. Weiss about the recognition of the Association, grievances, and so forth.

Q. These meetings took place in the offices of the Company?

A. In Mr. Weiss' office at the Packard Motor Car Company.

Mr. Dahling: Mr. Examiner, listening to this testimony, apparently this all took place before the first Petition for Representation was filed.

The Witness: No, Mr. Dahling—yes, I beg your pardon, it was.

Mr. Dahling: Well, that being the case, I object to any testimony covering that particular period inasmuch as following these meetings there was a petition filed. Now,

we are here on a new petition which was filed October 20, 1944. That petition alleges that the Employer named refused to recognize the Petitioner as the exclusive bargaining agent of all the employees. That fact has already been established. There is no occasion to go into what transpired before the first petition was filed. It is incompetent and irrelevant as far as this proceeding is concerned.

Trial Examiner Jaffee: He may answer.

Mr. Dahling: And may that objection continue as to all testimony of this character, prior to the date of the first Petition for Representation?

Trial Examiner Jaffee: Yes.

The Witness: On the day of December 15, when we kept

*Testimony of Robert H. Keys*

our appointment with Mr. Weiss, we had some discussion with him, and I believe Mr. Bird was in on that meeting also representing the Company. And then we went up to Mr. George Christopher's office.

Q. (By Mr. Nelson) Do you know what office he held?

A. Yes, he was President of Packard Motor Car Company.

Mr. Dahling: May we have the exact date of that meeting?

The Witness: December 15.

Q. (By Mr. Nelson) Morning or afternoon, Mr. Keys, if you remember?

A. Afternoon.

Q. By "we"—you say "We went up to Mr. Christopher's office"—would you tell us just who it was?

138 A. Yes. Mr. Elmer Ross and myself representing the national organization, called on Mr. Weiss, but there was a committee of foremen selected by the foremen in the Packard Plant, and this committee was composed of Mr. Prosper Traen, Mr. Leonard Lempke, Mr. Tom Pawlowski and Mr. Jim Wilkins, and they met with us up in Mr. Christopher's office, and again the aims and purposes of the Association were discussed and no agreements arrived at.

Then on January 15, 1943, I filed a petition with the National Labor Relations Board requesting an investigation and certification.

On February 1 I was called to the office of the National Labor Relations Board, of the Seventh Region here in Detroit, and Mr. Weiss, representing the Packard Motor Car Company, was also called, and I presume by the Board; he was there. We discussed the Petition and we agreed to have an election. We discussed the unit, those that would be eligible and so forth, and I believe the Company was asked to submit certain records, and I think as I recall it, a subsequent meeting was held where they produced the records, and we agreed on the unit.

Q. By "we" you mean whom?

A. Mr. Weiss.

Q. And yourself?



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139 A. The Field Examiner, Mr. Irwin Bannisch, representing the Board, and myself.

Mr. Dahling: Pardon me, I do not wish to be making continuous objections, but the witness says that they agreed on certain things. I suggest we have the substance of the agreement and not his construction of any agreement.

Mr. Nelson: Very well, I think that is proper and we will comply.

Q. (By Mr. Nelson) Mr. Keys, you stated, as Mr. Dahling said, "We agreed." Will you tell us first who it was that did the talking?

A. Yes. Mr. Irwin Bannisch, representing the National Labor Relations Board, Mr. Weiss, representing the Packard Motor Car Company, and myself, representing the Association.

Q. And you were in the offices of the Seventh Region?

A. In Mr. Irwin Bannisch's office of the Seventh Region of the Board.

Q. Now, instead of telling us the substance of what you think took place, if you can, tell us what was said and who said it.

A. Well, Mr. Bannisch, of course, asked if the Company would agree to a consent election. That was discussed between Mr. Weiss and Mr. Bannisch and it was Mr. Weiss that said yes, if we can agree upon the unit. Then I was asked what I considered to be the appropriate unit.

Q. And who asked you that?

140 A. Mr. Bannisch, and I stated we considered assistant foremen, foremen and general foremen as the appropriate unit. Mr. Weiss objected to the general foremen being a part of the unit. We discussed that back and forth, and finally arrived at the solution of excluding twelve general foremen, because Mr. Weiss stated that their authority and duties were somewhat different from the other general foremen.

Q. In other words, there were more than twelve general foremen at the factory, is that right?

A. At that time, as I recall, we thought there were about ninety.

Q. By "We" you mean you and Mr. Weiss, as you discussed it there before Mr. Bannisch?

*Testimony of Robert H. Keys*

A. That is right.

Q. That was your estimate of the number of general foremen?

A. That is correct. Bear in mind, this was before any records were brought down. At a subsequent meeting, records were brought down.

Q. As you sat there and discussed back and forth between you and Mr. Weiss, words to the effect that there were approximately 90 general foremen—

A. (Interposing) To the best of my recollection, that is correct.

Q. Did Mr. Bannisch hear that?

141 A. Mr. Bannisch heard it because he was sitting right there.

Q. And twelve of those ninety Mr. Weiss wanted to remove from the jurisdiction of the Association, so to speak?

A. Well, during the first part of our conversation he wanted to exclude all general foremen. But these twelve we finally agreed upon to be excluded. According to Mr. Weiss' statement to me, he sort of felt that they had charge of more than one department and were acting in the capacity of assistant superintendent.

Q. That is according to Mr. Weiss' statement to Mr. Bannisch and you?

A. According to his statement. So we agreed there would be twelve excluded.

Q. You consented to excluding twelve?

A. That is right. consented and Mr. Bannish prepared the papers and we signed it. The language used in the papers, instead of setting out the twelve and naming them, said, "excluding certain general foremen." As I recall it, there was a subsequent meeting in which the Company brought down the records and the cards were checked against the payroll. The election was set for February 24, 1943.

Q. You say it was checked against the payroll? Where was that done and who did it?

A. That was done in the office of the National Labor  
142 Relations Board by Mr. Bannisch.

Q. From records produced by Mr. Weiss for the Company?

*Testimony of Robert H. Keys*

A. Well, it was my understanding that the Company produced the records for Mr. Bannisch's inspection.

Q. Go ahead, Mr. Keys.

A. We discussed where and when the election would be held. It was decided that the election would be held on February 24. The Company would not permit the election to be held in the plant. Mr. Weiss insisted that it be held outside. Of course, we discussed the fact that it was February and very cold and that it would probably be a nasty day. But, nevertheless, the Company insisted that it be held outside and on February 24 the National Labor Relations Board set up a voting booth out near the Packard Company and the foremen lined up after working hours and voted. The results of the election were 486 for the Association, 2 against. The Company challenged 130 ballots. That, of course, came as a surprise to us. We had no idea that they would challenge 130 ballots. Everything had been agreed upon. There were 13 void ballots. Following that, I received from the National Labor Relations Board a certification of the election results.

Trial Examiner Jaffee: You mean from the Regional Director?

The Witness: From the Regional Director, yes, sir.

143 Q. (By Mr. Nelson) Was the Chapter finally certified as the bargaining agent of the supervisory force of the Packard Motor Car Company?

A. The only documents that I received from the National Labor Relations Board, the Seventh Regional Office, was the election results.

Q. Now, what intervened? What followed the election and certification that you mentioned?

A. We had another meeting with Mr. Weiss.

Q. By "we" whom do you mean?

A. The Association Committee, myself, Mr. Jim Wilkins, Mr. Tom Pawlowski, Mr. Leonard Lempe, and Mr. Prosper Traen, met with Mr. Weiss and Mr. Bird following the election and they refused to bargain with us.

Q. Where did you meet?

A. In Mr. Weiss' office in the Packard Motor Car Company.

*Testimony of Robert H. Keys*

Mr. Donovan: Let's have the date of that meeting.

The Witness: I am sorry, I cannot give it to you. Perhaps one of the members of the committee could give it to you.

Q. (By Mr. Nelson) Can you give us the month? How long after the election?

A. I would say within two weeks.

Q. And you met in Mr. Weiss' office?

A. Yes, sir.

144 Q. Tell us in substance what was said.

A. Well, we shook hands and passed a few remarks back and forth, complimentary to each other. We stated we were ready to start negotiations for a contract. Mr. Weiss said they would not bargain with us if we included general foremen in the unit. So we spent the next hour or so arguing about the fact that they had agreed to exclude twelve and now they wanted to exclude them all. The result of the meeting was absolutely null. They wouldn't agree and we wouldn't agree. The entire amount of time spent at that meeting was on the discussion of general foremen.

Q. Whether they should be included in the bargaining unit?

A. They argued that they shouldn't and we argued that they should. We wanted them to keep their word. We were not accustomed to having people promise us one thing and do something else and so forth. Mr. Weiss said, "No, they wouldn't include the general foremen even though they agreed to it in the consent election agreement".

Q. Finally, I suppose, your committee withdrew and went away?

A. I left and I am quite sure the committee left at the same time I did. That was my last meeting and that is as far as I can tell you about the election and so forth and the meetings.

Q. And you do not have any personal knowledge  
145 of any subsequent event as between the Chapter and the Company?

A. The only personal knowledge I have is that the Committee attempted to meet with the Company's repre-

*Testimony of Robert H. Keys*

sentatives following the meeting which I just described. What success they had or what the results, were I have no personal knowledge.

Mr. Nelson: We offer this witness for cross-examination.

Mr. Donovan: Mr. Trial Examiner, with your approval and with counsel's approval we would like to defer this particular cross-examination until a little farther along in the case and until we have had the transcript. I do not think we will have occasion to ask that as to any other witness. Owing to the shortness of time we have had, we do prefer to do that unless there is objection on somebody's part.

Mr. Nelson: I think that will place the Petitioner at some disadvantage if we agree to that. We will not know how to plan our showing of witnesses or anything else unless we have some idea of the scope of the cross-examination, frankly, and the subjects that will be touched by it. I will say to counsel that counsel is aware of the fact that we have a number of men who probably ought to be at the factory. They are here for this hearing and we are trying to keep that number down and cause as little disruption as possible out there. This is not in the nature of a complaint or anything like that. We are just merely trying to do it that way. I think it will be  
146 much more orderly if counsel cross-examines the witness as offered.

Mr. Donovan: May I ask how many more foremen employee witnesses he has, approximately?

Mr. Nelson: I think about twelve is my recollection.

Mr. Donovan: We would like to ask the Trial Examiner to have counsel proceed with those witnesses and postpone this cross-examination until, say tomorrow, and that will accelerate the time in which the gentlemen would be able to return to the plant, as Mr. Nelson just mentioned. I do think, Mr. Examiner, inasmuch as this situation, frankly, is rather a broad and important one that the Examiner's time would be saved if counsel were unable to obtain any adjournment of this cross-examination. Counsel were unable to obtain any adjournment beyond yesterday morning, which they rather badly needed. I



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do not think the deferment of this cross-examination would disturb this proceeding very much. We ask the cooperation of the Trial Examiner for reasons that have to do with our responsibility to our client.

Trial Examiner Jaffee: A short answer to that is that I have to consider your convenience as well as the convenience of the party putting in their case. I have to balance the two. I will be happy to agree if counsel for the Association agree, despite the fact that in a normal course cross-examination follows immediately. Since it  
147 disrupts his presentation, I have to take his word for it at the present stage of the proceeding and I do not see what else I can do.

Mr. Donovan: Mr. Trial Examiner, I realize that this is a matter well within your discretion. Ordinarily, that would be the normal course. We would like to have the benefit of reading the transcript. We are taking daily transcript and we would like to have the benefit of reading the transcript as to this one particular witness. I believe this is in the realm of the Trial Examiner's discretion. In view of the nature of the importance of the case, that may weigh rather heavily. This affects potentially the whole foremen's setup in a mass production industry in Detroit, which, after all, is more or less the capital of that rather important industry. Right now they are all engaged in war work. We would rather not ask and do not want to ask this, unless we have to, for a break in the session, sufficient to permit counsel to do some necessary thing, such as I have asked for. This is really an urgent and important matter to the Packard counsel. I believe that the foremen witnesses who want to go back to the factory could be used. I realize Mr. Nelson does not definitely agree to it, but I still do not think it is as disturbing a thing here as he claims it is to call upon the stretch of the Trial Examiner's discretion to grant the deferment of the cross-exam-  
148 ination.

Mr. Nelson: We are going to keep the foremen here until they have finished with Mr. Keys.

Mr. Karasick: May I make a suggestion? I think per-

*Testimony of Robert H. Keys.*

Trial Examiner Jaffee: The request is denied. Proceed. However, I may say that I had in mind adopting the suggestion of Mr. Karasick, although not in quite perhaps the same language. I would suggest that after you finish the present cross-examination of Mr. Keys, that if it develops you have forgotten something, Mr. Keys may be recalled.

Mr. Donovan: Well, we would like the privilege of recalling him later if it is necessary or advisable.

Trial Examiner Jaffee: I do not want any misunderstanding. If there is something you have forgotten,

152 you may recall him for further cross-examination.

Of course, you can always call him back if you want to. I do not suppose it makes any practical difference in either event.

**Cross-Examination.**

Q. (By Mr. Donovan): Mr. Keys, in giving your testimony yesterday, you said, I believe, that you started with the Ford Motor Company as a worker?

A. Yes.

Q. And that was at about what time?

A. That was January 19, 1935.

Q. What definitely did you hire out as and what did you do when you went with the Ford Motor Company?

A. Well, I stood in line with the employment office—at the employment office, and when they came out and asked for drill press operators, why, I said I was a drill press operator, so they put me on drill presses.

Q. You were a drill press operator?

A. Yes.

Q. And you were hired?

A. Yes.

Q. And you were paid on an hourly rate, I assume?

A. 62½ cents an hour.

Q. Was this at the Rouge Plant?

A. Yes, I went into the Motor Building.

Q. And into a department of that building?

153 A. Yes, Department 751, where they machine the gears for the transmissions.

*Testimony of Robert H. Keys*

Q. How many men were in that department?

A. Well, I don't know exactly, but there must have been—

Q. (Interposing) Just approximately.

A. (Continuing) —two thousand, perhaps, on three shifts.

Q. Were you segregated into any particular group of those men in that department?

A. Well, I was put on a drill press for the first two or three days, then they put me on gear burnishers, then they put me on the Bullard. I was moved around quite rapidly.

Q. Who gave you the directions that you described?

A. I do not know—my foreman gave them to me.

Q. Well, your foreman did, then, did he not?

A. Yes.

Q. Did you find they had foremen in the Ford factory?

A. Yes, we have organized about eight thousand of them.

Q. But you did no organizing in 1935, did you?

A. No.

Q. You found yourself under a foreman when you went into that factory, did you not?

A. They called him a straw boss.

Q. Would you say he was or was not the equivalent of a foreman, as you understand the word "foreman"?

A. I would say he was an assistant foreman.

Q. But you had a foreman over you, did you not?

154 A. Yes.

Q. And he gave you directions; did he not?

A. Yes.

Q. And he did that on behalf of the Company, did he not?

A. I assume so. I never asked him and he never told me.

Q. Well, that is your honest opinion, is it not?

A. Yes, he was doing a job for the Company.

Q. Did it appear to you at the Ford Motor Company that the Ford Motor Company had employees like that to give you orders in order to run the operation of its business, as you saw it?

A. I didn't get the question.

Mr. Donovan: Would you read the question, please?

(Question read.)

*Testimony of Robert H. Keys*

haps a procedure could be worked out to serve the convenience of both parties here. Perhaps it would be convenient for the Company and for Mr. Nelson, if the Company were to conduct its cross-examination of Mr. Keys now, with the understanding that after they have had an opportunity to go over the first day's transcript, since they are getting daily copy. They can see after the session what Mr. Keys testified to yesterday, and they will have a right to recall Mr. Keys for further cross-examination on any subject they so desire. If that way both the demands of Mr. Donovan and Mr. Nelson can perhaps be met and the case can proceed more rapidly.

149 Mr. Dahling: Mr. Examiner, I think it should be called to the Board's attention, in connection with this request that the cross-examination of Mr. Keys go over to a later date, that the petition in this case was filed with the National Labor Relations Board, the Seventh Region, by the Petitioner, the Foreman's Association of America, on October 20, 1944. The Respondent was first advised of this filing on November 24, 1944, at which time it received a letter, setting a hearing before Mr. Bowen, the Regional Director, on November 25, 1944. Mr. Denison and Mr. Binns of Packard Motor Car Company and I attended that meeting. At that time we stated that this was an important case and we should have time to prepare. Mr. Bowen stated that the case was set for hearing for December 4th. We again insisted that that was not giving us time to prepare, and he stated that he would adjourn it for a week, but that was all, and only if in writing we requested such an adjournment, which was done.

On the Friday of the following week, which would be about the 8th or 9th, Mr. Karasick of the Board called me and asked if I had any objection if the Board adjourned it another week. I told him I certainly had no objection; that the entire matter should go over longer and should go over the holiday season, in view of the work to be done. He stated, however, it would only go over until the 18th. I consented to that adjournment.

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*Testimony of Robert H. Keys*

On about the 16th, when it was appa~~s~~ent there was still additional work to be done, particularly inasmuch as associate counsel were to come in to the case, I talked with Mr. Meder, and I am informed this is the situation: He called Mr. Bowen for a further adjournment from the 18th until at least the week of December 26th, or preferably later. It is my understanding that Mr. Bowen did not oppose the adjournment, but took the position that he would want Washington to pass on it. By Washington, we assumed he meant the National Labor Relations Board at Washington. Consequently, a wire was sent to the Board on Friday of last week, requesting this adjournment. It was not until Saturday afternoon, about 4:30, not having received any reply from the wire, that I called Mr. Smith, the Chief Examiner, asking him what had happened to it, and he informed me a wire had been sent. I subsequently, on the same day, at about five o'clock, received the wire, which reads as follows:

"Re Packard Motor Car Company, 7-R-1884, your telegram of December 14th requesting further adjournment has been considered by the Board as appeal from refusal of Regional Director to grant such request. In view of the prior adjournments and the tight scheduling of work of our Trial Examiners, the Board is denying your request for further adjournment."

151 Now, Mr. Examiner, I do not know why since the petition was filed on October 20th, that the Packard Motor Car Company was not notified sooner. The Foreman's Association has had since October 20th; or, from the time they decided to file this petition, to prepare for this proceeding, and yet the Respondent, when first called on November 25th, was told that it had to go to trial on December 4th, and I have recited the subsequent events.

Now, this is an important proceeding, it is important not only to Packard but to the industry, and in view of these facts, we frankly considered it unfair and unreasonable to be forced into this hearing. And for the reasons I have stated, we feel that we should be permitted at this time to defer this cross-examination.



*Testimony of Robert H. Keys*

Q. (By Mr. Donovan) And the foremen, whoever they may be, from time to time gave you different assignments, taking you into different parts of the plants or in slightly different operations, did they not?

A. Yes.

Q. You considered that those orders were given to you to be carried out, did you not?

A. Yes, I had to, if I wanted to work.

Q. At that time, were you a member of any labor organization?

A. No.

Q. And have you ever been a member of any labor organization excepting the E. A. A.?

155

A. Never.

Q. What did you say your hourly rate was when you started?

A. 62½ cents an hour.

Q. How long did you make 62½ cents an hour?

A. Oh, I think for about six months.

Q. Were you raised in rate then?

A. At about the end of my sixth month, somewhere around that time, they asked me if I would like to go down in the piston job. They were developing a new job and that was a job on which I had a possibility of getting a promotion, so I went down on the piston job and I didn't get any promotion and I didn't get any raise. Subsequently I did, but not at that immediate time.

Q. What did you do on the piston job?

A. Well, when I went on the piston job at first, there was nothing in there but a couple of lathes and a couple of drill presses, and I operated a lathe, drug stock around, done everything they wanted me to do.

Q. Were you a skilled operator at that time?

A. No, I wouldn't consider myself as such.

Q. Just an ordinary worker?

A. Just an ordinary machine operator, just average.

Q. And the things that you did in that—the things you did on that job, were not skilled operations?

156 A. No.

Q. They consisted definitely of just what, now?

*Testimony of Robert H. Keys*

What did you do every day during the time you were there?

A. Well, I did many things. As I told you, mainly, I carried stock back and forth; there was no conveyors. You must bear in mind, Mr. Donovan, there was nothing there but two lathes and a couple of drill presses. We had to do everything by hand. We filed burrs by hand with files, and so forth.

Q. This would still be in 1935?

A. Yes, that would be in about the fall of 1935.

Q. How did you find out what you were to do in this new department?

A. My foreman told me.

Q. And you took directions again from a foreman then?

A. Certainly.

Q. How long were you at this more or less miscellaneous work that you just described?

A. Well, until they began to move machinery in. They purchased large Centerless grinders, millwrights came in and they installed conveyors. That probably took two or three months, and that's when they told me they were going to make me a straw boss.

Q. What time were you made a straw boss?

A. I can't remember the exact date, but it would be  
157 somewhere in the fall of 1935.

Q. Who told you you were to be a straw boss?

A. The foreman.

Q. You understood a straw boss to be what at that time?

A. An assistant foreman.

Q. He was an assistant foreman?

A. He was the lowest classified supervisory employee.

Q. You regarded him as a part of supervision, did you?

A. Certainly.

Q. So you believe you became a part of supervision as early as the fall of 1935?

A. I did.

Q. And did you find that as a straw boss that it became necessary for you to give any directions to workers?

A. Yes.

Q. Did you give such directions?

*Testimony of Robert H. Keys*

A. Yes.

Q. Will you give us an example of what sort of directions you did give? Did you then have men under you?

A. Yes, a few.

Q. What sort of directions did you give to them?

A. Well, I would say, "Pick up that box from that machine and carry it over and set it down at this machine," and I would say, "You are not doing that operation right, let me show you how to do it," and I would check  
158 their time in the morning and I would check their time at night.

Q. You had some authority, then, that you did not have prior to that time?

A. Well, I don't know whether I considered it as authority or not. I was given certain duties to do and I performed them.

Q. Well, but up to this time you were appointed straw boss, you had not been giving directions to other workers; you took them from your foreman, is that right?

A. That's right; I still took them from my foreman.

Q. But you also gave directions of your own to others?

A. I gave very few directions of my own. I had a foreman over me, and he had supervision over him.

Q. But you had men under you to whom you did give definite directions?

A. Yes, I was being paid to supervise them.

Q. That is right, and they took your directions and performed them?

A. Sometimes they did and sometimes they didn't.

Q. They did not always carry out your directions?

A. No.

Q. Why not?

A. Because they were organizing at that time?

Q. Did that make them hard to handle?

159 A. No.

Q. But you say they did not always follow your directions?

A. Sometimes I didn't even follow the directions of my foreman, because two-thirds of the time they were so awful you didn't know what you were doing.

*Testimony of Robert H. Keys*

Q. You did not like the way management was conducting the operations of that plant?

A. I definitely didn't. I thought they stunk.

Q. Did you not always carry out directions, even though you did not like them?

A. Well, to the best of my ability, yes.

Q. Even though they stunk?

A. Right.

Q. And you passed those orders on to your men, even though they stunk?

A. That's right.

Q. And sometimes the men did not like them and did not obey them?

A. That is right, and—

Q. (Interposing): Wait a minute. On those occasions did you have occasions to recommend disciplinary action for any man not following your orders?

A. I presume I could; I never did.

Q. You never did?

A. No.

180 Q. Do you think you should have?

A. No.

Q. In that sense you did not feel you could act for management where it was against your better judgment as a supervisor?

A. That's right.

Q. And you did not do so?

A. No. Do you want to know why?

Q. Well, your counsel can pick you up on any questions he wants to, Mr. Keys. I prefer to have you answer my questions that I asked you just now.

A. Okay.

Q. How long did you continue as straw boss, passing or giving directions to this group of men of which you spoke?

A. I assume from that first promotion I just described I was a foreman up until I left. However, as I said, the records have been investigated and they don't show that. As a matter of fact, they show I wasn't a foreman for a period which I know nothing about, because I was doing

*Testimony of Robert H. Keys*

the same work and getting the same rate of pay. But from that day on I assumed I was a foreman until I left Ford's.

Q. When did your rate change from 62½ cents an hour? Did you ever get a raise?

A. Oh, yes, but I don't recall the exact dates.

Q. Give us an idea, as near as you can. When did you step to 62½ cents an hour, with respect to the year 1935?

A. Well, it's only a guess. I would say the latter part of 1935 I got a five-cent an hour raise.

Q. You went to 67½ cents an hour in 1935?

A. No, I went to \$6.00 a day, if I recall correctly. I think the Company went back on the \$6.00 a day plan and everybody got a raise in that period.

Q. On an hourly rate, that would be the equivalent of—

A. (Interposing): 75 cents an hour.

Q. 75 cents an hour?

A. Yes.

Q. And that was in 1935?

A. If I recall correctly. If you would like the exact dates and everything on this, I can get it for you in fifteen minutes.

Q. No, I am only asking the year, Mr. Keys, so as to make it easy. To the best of your recollection, was it still in 1935?

A. I would say I got a raise in 1935, yes.

Q. And you went to 75 cents an hour and your duties did not change?

A. That's right.

Q. You were still acting in a supervisory capacity and still giving directions to the men under you on behalf—

A. That's right.

162 Q. On behalf of management?

A. I don't know on whose behalf it was. I was told what to do and I done it.

Q. Do you not think it was on behalf of management?

A. I presume so; I never met any of the management of the Ford Motor Company until after I organized the foremen.



*Testimony of Robert H. Keys*

Q. Well, workers do not ordinarily meet management in the early stage of their employment, do they?

A. They don't ordinarily ever meet management.

Q. There is nothing unusual in that, is there?

A. No, there hasn't been.

Q. So you are not—

A. I am not complaining about that.

Q. You are not complaining because you did not get in to see Edsel Ford the first two or three months you were there, or Mr. Bennett, or those higher up?

A. No, I have no complaint.

Q. You would hardly expect that?

A. Well, if I wanted to go in to see them, I think I should be entitled to, but I didn't do it.

Q. You are not sure these directions you were giving were given on behalf of management or not?

A. I know my foreman would say we have to make so many pieces today, "So you better tingle the boys a little bit", and I went and done it.

163 Q. Would you say he was acting on behalf of management?

A. Somebody told him, I don't know who. I never inquired.

Q. But somebody higher up told him, is that right?

A. I presume so.

Q. Would you not say that person higher up was acting on behalf of management?

A. I wouldn't say.

Q. You would not make a guess at it?

A. Well, naturally, I suppose he was.

Q. And, then, you would say these directions were coming down to you from higher management?

A. That's right.

Q. And today the foremen are doing the same things, are they not, giving directions to workers from management with respect to operations of a department?

A. I haven't worked in a shop for some time, but I would still—

Q. (Interposing): That would be a fair statement, though, regarding the foremen today, would it not?

A. Yes.

*Testimony of Robert H. Keys*

Q. How long did you continue to get this 75 cents an hour? Were you ever raised again?

A. Yes, I was making \$1.65 an hour when I left. When that came, I can't tell you now.

Q. Well, did that happen in 1936?

164 A. Yes, I got some raises in 1936, I got some in 1937, I got some in 1938 and I got some in 1940. I probably got some every year, at least once a year.

Q. Were you still in a supervisory capacity when you left Ford's?

A. Yes, I was classified as division shift foreman.

Q. How many men had you under you when you terminated your employment there?

A. About 100.

Q. Did you have any responsibility for the work or operation of those 100 workers?

A. Yes, I checked their time—no, I beg your pardon. I checked the time with my foreman and he checked the men and I told him how many pieces we had to do and if they had any trouble on the machine I would get a millwright or a maintenance man to come in. It was my duty to see that we produced so many pieces per so many persons, which I did, and which every good foreman should do.

Q. You assumed the responsibilities in that department on behalf of management?

A. To this extent, that the production quota was set by someone higher up—I don't know who. It was handed down to us.

Q. And you did your best to comply with that managerial instruction?

165 A. That's right.

Q. You were getting paid for that?

A. That's right.

Q. And that was quite a responsibility, was it not? As a matter of fact—

A. It certainly was.

Q. Did you like the work?

A. Well, I didn't particularly like it. I didn't—

Q. (Interposing): What was the occasion of the termination of your employment there?

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A. Well, I was requested by the members of the Foreman's Association to go on full time, so I am on leave of absence from the Ford Motor Company now.

Q. (By Mr. Donovan): Since when, approximately?

A. I think that became effective July 1, 1942.

Q. And you were getting at that time \$1.65 an hour?

A. \$1.65 an hour and five cents for night work, thanks to the Union. When they came in they got five cents and the Company gave it to us foremen, too.

Q. That would be the CIO you are speaking of?

A. Right.

Q. Your period of employment at the Ford Company overlapped the entry into the Ford Motor Company of the CIO?

A. That is true, yes.

Q. By about how many months?

166 A. Well, they were organizing during the year 1936 and the first contract was arrived at in 1941, so I observed very carefully the contractual relationship between the Union and the Company from 1941 on up to the time I had my leave of absence, in effect.

Q. You felt rather good about the CIO action in getting a five-cent raise which went down to your benefit?

A. I felt better about the CIO getting a lot of things too numerous to mention right here.

Q. That gave you quite a few ideas, didn't it?

A. No, it didn't give me ideas. I have had ideas all my life.

Q. But you say you spoke very favorably a minute ago about a raise the CIO was instrumental in obtaining?

A. Sure, because I was unable to get it as an individual foreman.

Q. You benefited by the CIO action in that case?

A. I certainly did.

Q. Did that ever suggest to you that it might be possible for quite a bit of cooperation of the Foreman's Association with the CIO?

A. No, I had no such thoughts.

Q. As a matter of fact, you say that you have never had such cooperation? I mean now, the Foreman's Association of America?

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167 A. Yes. You mean have we had?

Q. At any time from then on until today?

A. We have had their moral support, I know, other than that we have not had any cooperation.

Q. You have just had their moral support?

A. That is all I know of. Of course, it is a big organization and ours is a big organization and I do not see everything that goes on outside in the field.

Q. If you had more than their moral support you wouldn't know about it?

A. No, I wouldn't know about it.

Mr. Donovan: Before we get into another topic may we take a recess at this time?

Trial Examiner Jaffee: Very well, we will take a ten-minute recess.

(At this point a short recess was taken.)

Trial Examiner Jaffee: The hearing is in order.

Q. (By Mr. Donovan): Mr. Keys, I wish to ask you a few details about the foreman's duties and responsibilities. In the line of your testimony of your having acted as a foreman at the Ford plant, how long were you a foreman, approximately?

A. Six and a half years, I thought.

Q. As a foreman did your work include planning the work of your department according to the schedules  
168 given you by management?

A. No.

Q. You didn't have to plan the work of your department?

A. No, I was told what the schedule was and was told if there was anything I needed to make that schedule, to let the general foreman know and he would take it up with the superintendent to see if he could get such equipment and material. I proceeded to produce what I could with what I had.

Q. But you had to plan the work of your department according to the schedule of work you were provided with, were you not?

A. If by "planning" you mean did I put certain people

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on certain machines and move them from one machine to another, yes.

Q. Wasn't that an important starting point in your duties as a foreman, accepting the schedule plan that you received from your higher management and attempting to see that it was executed in your department?

A. I attempted, as I stated before, to the best of my ability, to do what they wanted me to do.

Q. It included that particular thing, among others, did it not?

A. Yes.

Q. There isn't any doubt about that, is there?

169 A. No, but there can be a difference of opinion as to what "planning" consists of.

Q. You accepted that responsibility?

A. I did.

Q. And you believe you discharged it to the best of your ability?

A. I do.

Q. Did you have these 100 men under you for a very long period of time?

A. For several months prior to the time I left the employment of the Company.

Q. Did you also assume the responsibility and attempt to discharge it for management—of getting your production out on schedule?

A. Yes.

Q. What did that involve? Any effort on your part?

A. Yes.

Q. What?

A. Well—

Q. How did you discharge that responsibility?

A. Well, if I was given a schedule of some pieces to make in an eight hour shift I would sit down and determine for myself first, if I had enough equipment and enough manpower. If I did not I would request more. If

170 I did I would place the people in the various machines and various jobs as I thought they could best perform them and proceed to make the schedule if I possibly could.



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Q. If, in your opinion, you did not have sufficient men to properly complete a schedule where given, you asked for more, did you not?

A. I did.

Q. You were supposed to do that for management, were you not?

A. That is true.

Q. Whenever that happened you did it?

A. Yes.

Q. And management, so far as they could, honored such requests from you as a foreman, did they not?

A. They didn't always honor it. Whether they did as far as they could, I have no way of knowing.

Q. Sometimes they did accept your request for additional personnel to discharge your duty?

A. Sometimes they did and sometimes they did not.

Q. They did sometimes, though?

A. Yes.

Q. And that made your department work better, didn't it?

A. Sometimes.

Q. Did you find the men of your department hard to handle?

A. No, I never had any trouble handling people.

Q. Did you ever have occasion to recommend the  
171 demotion or discipline of any man over whom you were supervisor?

A. I do not recall ever having it.

Q. You never made one?

A. No. I have had occasions where the people have had minor grievances.

Q. You mean during the time the CIO was in the plant?

A. Yes.

Q. And did your work involve the handling of grievances that came from the rank and file CIO members?

A. To this extent, the departmental committeemen, as they call them in the Ford Motor Company, as a rule came to me first about any grievances of people under my supervision.

Q. By departmental committeemen you mean CIO departmental committeemen?

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A. Yes.

Q. And they came to you and discussed grievances that arose in your department?

A. If it was a grievance that did not involve the determination of policy, in all probability I could handle it, otherwise I would refer it to the Labor Relations office and they would determine the disposition of the particular grievance.

Q. Would you say that you did handle a considerable number of grievances yourself?

A. No, fortunately the people that worked in my department did not have many grievances.

Q. Is that because you were such a good supervisor?

A. No, I wouldn't say because I was such a good supervisor, but I would say I tried to treat them human at all times.

Q. Were they pretty well behaved, a pretty well behaved lot of men on the whole?

A. On the whole, yes.

Q. And you had very little trouble with them in that respect?

A. Very little.

Q. But you did have some grievances, though?

A. Occasionally.

Q. Wherein you would get a complaint from the rank and file CIO members?

A. Yes, something like if they couldn't get a pair of gloves out of the crib or something of that nature they would come to me.

Q. And you would handle and dispose of that complaint, if possible?

A. Yes, I would go down to see if I could get the gloves. Frequently I couldn't get them either.

Q. Is that the most serious complaint you were in the habit of receiving from the CIO?

A. Grievances of that type, that was the most serious.

Q. That was the most serious?

173 A. Yes.

Q. In the matter of grievances while the CIO was in the plant and with regard to grievances that did arise,

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did you regard—in attempting to settle those grievances—that you were acting for management?

A. I often wondered about that. The Company signed a contract with the CIO—

Q. I asked you whether you believed you were acting for management when you dealt with those grievances and handled them. Were you doing what you thought was the best thing for management?

174 A. I was doing what I thought was the best thing for everybody.

Q. Well, did not Management's policies enter into your decisions in the handling of grievances?

A. Well, I tried to explain that to you a minute ago when you interrupted me.

Q. Well, did they or did they not?

A. Management's policies never entered into the grievances I handled, because I had absolutely no share in formulating Management's policies.

Q. And you say Management's policies today do not enter into the handling of grievances for foremen?

A. Only to the extent that the Company has formulated policies and advised the foremen what they may or may not do.

Q. Would you say that foremen are or are not acting on behalf of Management in handling grievances?

A. They are acting as supervisors.

Q. You were at Ford's, too, were you?

A. I didn't understand that?

Q. You were acting in that capacity at Ford's, too, were you not? In whose employment were you, the Ford Motor Company?

A. Yes.

Q. Did you have any other employer?

A. Not that I know of.

175 Q. Were you taking directions from any others except your supervisors or superiors at the Ford Motor Company?

A. Oh, occasionally a superintendent would come in and kick a table over and say to clean up the department.

Q. Now, you are referring to a member of supervision, are you not, when you say superintendent?

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A. Yes, he was a supervisor.

Q. Yes. Were you given, as a foreman at Ford's, in your work a schedule as to the time you had to meet?

A. You mean concerning production?

Q. Yes.

A. Well, our schedule was based on an eight hour shift. We were supposed to make so many pieces in eight hours.

Q. Where did you get that information, as to how many pieces you were to get out in eight hours with the men you had charge of?

A. Someone higher in Management would make up the schedules and give them to the superintendents. The superintendents would give them to the general foremen, the general foremen would give them to the shift foreman, and the shift foreman would tell me.

Q. Well, at any rate, you received this fixed assignment as to the scheduled number of pieces to get out in a working day from one or more of your immediate supervision?

176 A. That is true.

Q. And that was Management's schedule, was it not?

A. That's right.

Q. You, as foreman in that department, were expected to produce that schedule from the workers in your department?

A. That is true.

Q. That is a fair statement, is it not?

A. That is right.

Q. Did that involve the exercise of any ability, discretion or activity on your part at all?

A. Only to the extent I had to determine myself whether I had enough people and equipment to get that schedule out, and if not, I was expected to speak up and tell them I didn't.

Q. Your concern on that point was only as to the number of men you had in that department? Is that what you want us to believe?

A. Well, men and equipment.

Q. If you had 105 men and you still did not get your

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scheduled number of pieces out, you would still have to do something about it, would you not?

A. Yes.

Q. Is it not true that the trouble a foreman may have in a department may arise through reasons other than the fact that there was a certain number of men there?

177 Q. To put it in another way, is it not true that foremen's difficulties may arise because some man is not performing his work properly?

A. That is true.

Q. That has been your experience, has it not?

A. That is right.

Q. And when such things occurred, you attempted to correct those conditions, did you not?

A. I did.

Q. As a matter of fact, that is one of the foreman's underlying responsibilities, is it not?

A. Well, if he wants to hold his own job, he has to produce. It is his responsibility to that extent.

Q. You recognize that the foreman is the responsible head of a department, do you not?

A. No, not all foremen. It depends on how their classification is.

Q. Did you regard yourself as a responsible head of the department where you had these 100 men under you?

A. No, I only had a small division.

Q. Well, you did have men under you to whom you gave directions?

A. I did.

Q. And that included the things we have just discussed?

A. That is true.

Q. In adhering to the schedules you were provided with?

178 A. I tried to meet them.

Q. Well, that was part of your daily work, was it not?

A. Yes.

Q. And that involved giving directions wherever it was necessary?

A. Yes.



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Q. And you did give such instructions where necessary?

A. That is right.

Q. The workers were supposed to follow those directions?

A. Yes.

Q. Because you were speaking on behalf of Management?

A. On behalf of my employer.

Q. We are both speaking of the Ford Motor Company, are we not?

A. I think so; I am.

Q. That is the only employer you had then, is it not?

A. That's right.

Q. Did you have, as foreman, any particular problem in connection with routing materials through your department?

A. On occasions.

Q. What was that problem?

A. We frequently, when we first started the piston job in the Aircraft Building, had difficulty in getting material into the department. As a matter of fact, for a while, the men stood around most of the day without anything  
179 to do, except to wipe off the machines, and so forth, because we couldn't get stock.

Q. When you saw that condition, did you attempt to do anything about it?

A. Yes, I called the superintendent's office.

Q. Why?

A. Because he was the man who had the power and authority to get the stock in the Ford Motor Car Company.

Q. Was it not also because you were the foreman in that department, and were responsible for production if it could be gotten?

A. That's right.

Q. So you did something about it in those instances?

A. I certainly did.

Q. You tried to keep your department running?

A. Yes, sir, I tried to make more than my schedule every day.

Q. Did you have anything to do with the placing of

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workers in your department on their jobs from time to time?

A. I did, within their classifications.

Q. What does that mean?

A. Well, the contract between the UAW-CIO and the Company provides that people shall be classified—well, in certain classifications, and if a man was classified as a grinder operator, why, I would move him from one  
180 grinder to another grinder in my department, but I couldn't put him on a lathe or milling machine, for example, because it would be in violation of the contract.

Q. So the problem of placing a man was one of your responsibilities also, was it not?

A. Within his classification, yes.

Q. While you were foreman, did you ever have occasion to suggest any improvements in the running of the department or in its operations?

A. Yes, many times.

Q. And were those suggestions the result of your experience as a foreman?

A. As a foreman and a worker.

Q. And that represented an attempt on your part, on behalf of Management, to improve operations of the department?

A. It represented an attempt on my part to improve the efficiency of the department.

Q. Did you have any responsibility with respect to the movement of material in your department either during the operations or after they were finished?

A. That was handled by conveyors. The operator would place the stock from his operation on a conveyor and it would go to the next operator. That operator would take it off, perform his operation and put it back on the conveyor.

181 Q. Did you have any accountability for the material that was delivered from your department to elsewhere in the plant?

A. Everything we produced left the department immediately. If I didn't make my production schedule and the department receiving the stock we were producing was

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caught up with its work, I would be holding up another department if I didn't make the schedule.

Q. Do you believe that your responsibility included the responsibility for the quality of the workers in your department?

A. What was that?

Q. I say, do you believe that your responsibility included responsibility for the quality of the work done by the workers in your department?

A. Yes, I maintained a very high quality at all times.

Q. And was the fact that, if possible, you were to see that the work was made according to standard specifications a part of your responsibility also?

A. We were producing parts for the Pratt and Whitney engine and the United States Army Air Corps had its own inspectors to inspect them and we had to make them to their specifications or they wouldn't accept them.

Q. They required a good deal of supervision, that work, rather, did it not?

A. Yes, I was on the job every minute of the eight  
182 hours I was there.

Q. Did you have pretty fair success in maintaining the specifications required by the Army in your department?

A. Yes, we were very successful.

Q. And you felt that the efforts you put forth in that connection contributed to that result?

A. I do.

Q. Insofar as that is true, you followed the production processes through your efforts?

A. I would say so, yes.

Q. Did you have any contact with the inspection department in the discharge of your duties as a foreman?

A. Yes.

Q. What contacts did you have and what were they about?

A. The inspection department would reject our finished products and I would ask the foreman of the inspection department why and in most instances he would say the superintendent had gotten a complaint and had told him

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not to accept any more stock unless it was to so-and-so specifications. He had his orders from the superintendent. I would go to the building superintendent and the two superintendents would get together and argue it out and sometimes they would say to let it go through and sometimes they would say to throw it out and make some more.

Q. In discharging your responsibilities in respect to 183 these items we have so far discussed, were you aware, as a foreman, that the manner in which you discharged your responsibilities and looked after these things might directly affect the cost of the Company's production?

A. Definitely.

Q. Almost any one of those operations, if badly supervised, would increase the Company's cost?

A. That is true.

Q. And, in turn, affect the selling price?

A. That is true.

Q. Was it any part of your duties to see that the tools and fixtures were maintained in proper condition and in sufficient quality and number?

A. Yes, I had to see that the machines, tools and so forth in my department were kept in good working condition or else I couldn't produce my schedule. Of course, I didn't do that work. I simply requested that it be done. Sometimes it was and sometimes it wasn't.

Q. It was part of your effort, though, to see that the tools and fixtures were maintained properly in your department?

A. That's right.

Q. It wouldn't have run well had it not been kept properly, would it?

A. That is right. I have let machines stand idle all 184 night because I couldn't get someone down to fix it.

Q. Did you have any responsibility with respect to the general condition of your department, with respect to such a matter as cleanliness?

A. Yes, I tried to keep it clean.

Q. Did you have to exert any effort in that direction?

A. Well, if the sweepers, who were under the jurisdic-

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tion of the sweeper foreman and sweeper superintendent, were not doing their job, I called them and told them about it.

Q. You complained about it?

A. Yes, and sometimes they cleaned it and sometimes they didn't.

Q. Because it is better to have a department where you have one hundred men under you in a clean condition than otherwise?

A. That's right; it is safer and more pleasant to work in.

Q. The working conditions are better?

A. That is right.

Q. And it is healthier?

A. That is right.

Q. And so, therefore, it was better to keep it clean?

A. Yes, except when you asked the men to clean it; then they wouldn't do it.

Q. Regardless of who does it, the workers are better off if the place is kept clean?

185 A. That is my opinion.

Q. You did your best on that, at any rate?

A. Yes.

Q. Was the problem of scrap a problem at all for you at Ford's?

A. Yes, very much so, in the early stages of our producing the Pratt-Whitney pistons.

Q. Did you address your ability to attempting to minimize the needless scrap in your department?

A. I did everything I possibly could under the authority I had to minimize the scrap.

Q. You think that is something a foreman should do, do you not?

A. Absolutely, I do.

Q. You did your best on that?

A. I did.

Q. Did you ever have the problem of surplus employees in your department?

A. I have.

Q. What do you understand me to mean by "surplus employees"?



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A. More employees than I had machines to operate and equipment for them to work on.

Q. When such a situation arose, what did you do?

A. I told the general foreman and he told the superintendent and the superintendent would tell them  
186 what to do with them. He couldn't move them and I couldn't move them.

Q. You would then attempt to eliminate surplus employees, wouldn't you?

A. I simply told them I had too many employees and they could do anything they wanted with them.

Q. Were you willing to let them stay there as unnecessary employees without an effort on your part to remedy the situation?

A. No, not if I had no use for them.

Q. You didn't want them in there?

A. No.

Q. You knew that Management did not want men standing around without work for them to do, didn't you?

A. I reported it to them on many occasions and they did not do anything about it.

Q. But you did make a personal effort to see that the condition of surplus employees in your department did not continue?

A. I reported it.

Q. And you recognize that that is a circumstance that would likewise affect the cost of the Company's product, would it not?

A. It would unless the other employees were maintaining the schedule without them and the Company was satisfied to let it go with that.

187 Q. Unless, you say, other companies were equally lax and maintained a larger force of workers than necessary in the department?

A. I didn't say that, I said unless the Company was willing to let them stay in there based on the theory that the balance of the employees were making the production schedule and they were only interested in getting so many pieces from so many people.

Q. You regarded it as part of your duty as a foreman

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to attempt to remedy the condition of surplus employees in your department, did you not?

A. Yes, to report it.

Q. You did something about it, didn't you?

A. I reported it.

Q. And you hoped the condition would be eliminated?

A. That is right.

Q. Toward the end of your foremanship at Ford's, had you become what you considered a skilled mechanic?

A. No.

Q. You never became a skilled mechanic?

A. No, I did not consider myself a skilled mechanic.

Q. Did you have a factual knowledge of the machines and the type of machines used by the workers in your department?

A. Yes, I could operate them all.

Q. You understood and could operate them?

188 A. That is right.

Q. Did you have any responsibility for seeing that the right type of machines were used in your department?

A. No. They sent me machines that I certainly wouldn't have purchased if I had anything to say about it.

Q. Did you say anything about them?

A. I reported that in my opinion the machines were no good. I was told to mind my own business and that my opinion did not amount to a "hill of beans."

Q. But you did try to remedy a condition which to you appeared to be an unsuitable type of machinery?

A. I certainly did.

Q. That is because in your judgment you felt it was your duty—

A. (Interposing) I tried to maintain the schedule and tried to do everything I could to maintain the schedule for my own self-protection.

Q. You mean you felt that Management might fire you?

A. They told me so on many occasions. They had the foremen so scared to death they were afraid to look cross-eyed.

Q. Including yourself?

A. Including myself.

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Q. And you feel that you were not able to do very much about remedying a wrong type of machine in your department?

A. No, it didn't prove very successful. I reported it.  
189 I told them that I did not think that the machine, this machine or that machine was any good and that this or that tool was of the proper quality and construction and I was told that the engineering department and the superintendent and the higher management were running the Ford Motor Company and not Bob Keys or anybody in that department.

Q. Would you say that that same condition would be common in any other large common mass industry in Detroit that you know of?

A. I can only speak from hearsay but I have been told it is so, yes.

Q. Do you know of the companies involved here before the War Labor Board Panel that recently convened?

A. I know who the companies were.

Q. Would you say that the condition you have described with reference to the selection of the wrong type of machine and the foreman's attempt to recommend remedying that condition to those companies is a condition in those companies, including Chrysler, Briggs, Hudson, Murray and the other companies involved in that case?

A. I would say that the foremen in those cases and in those companies who are trying to perform their duties properly do report those conditions. What action the Company takes I do not know.

Q. Did you ever hear of any foreman being treated  
190 by any of those companies as you say you were in this one matter as to the type of machinery that was used?

A. Yes, several thousand of them.

Q. Why didn't you bring out such testimony before the Panel? You do not claim that any such testimony was adduced there, do you?

A. Offhand, I do not recall why we did not, which is, of course, your business.

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Q. Don't you recall that the relations between the foremen and Management were dwelt on in great length and detail in that case?

A. That is true and it was very apparent that since the organization of the Foreman's Association, conditions have improved one thousandfold.

Mr. Donovan: I ask that that last statement be stricken out as not responsive.

Trial Examiner Jaffee: Will you please read the answer? (Answer read.)

Trial Examiner Jaffee: So much of the answer that continues after the word "true" is stricken. The answer is simply, "That is true."

Q. (By Mr. Donovan) You do not agree then that the foremen in the Company we have just been discussing that have been before the War Labor Board Panel as the evidence shows were treated with courtesy and consideration by Management?

Mr. Nelson: If he is going to ask questions involving interpretation of that testimony, I think then this order asking it be stricken is altogether out of place. Mr. Donovan's next question involves an interpretation of that testimony. Of course, I am not sure this is proper on this inquiry, comparison between testimony at another hearing before another Board. I doubt that it is proper in this case. You are going to get into a big proposition if you do.

Trial Examiner Jaffee: Will you please read the question?

(Question read.)

Trial Examiner Jaffee: I think the form of the question is objectionable in any event.

Mr. Donovan: I will withdraw the question.

Q. (By Mr. Donovan) Would you say, Mr. Keys, you were in attendance every day at that hearing before the War Labor Board Panel, were you not?

A. Yes.

Q. As a matter of fact, you conducted the case for the Foreman's Association of America, didn't you?

A. That is true, with the exception of the opening day and the last day.

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192 Q. That accepted ninety-eight percent of the trial, didn't it?

A. It did.

Q. And you examined the witnesses for the Foreman's Association of America on that occasion, didn't you?

A. I did.

Q. And you want to tell the Trial Examiner here that there were conditions in any of those companies involved comparable to the Ford Motor Company department with respect to the type of machinery and that question we were discussing?

A. Well, I do not believe I can say that they were identically comparable. I do know that there were many grievances before the Panel.

Q. I am talking about the right type of machinery which you say you had considerable trouble with at the Ford Motor Company, that you had considerable difficulty with certain supervision on that point. You do not claim that that condition existed in any of the other companies before the War Labor Board Panel.

A. I do not claim that it was presented as a grievance to the Panel.

Q. Including the Packard?

A. Including the Packard.

193 Mr. Nelson: Your question, Mr. Donovan, related to the condition and not to the testimony. I am interested in the condition and I am not interested in what the testimony was, Mr. Examiner. The difference between the witness and counsel is that counsel asked for a condition — I have no objection to that. If he asks for a characterization of the testimony before the Panel, I conceive it to be irrelevant.

Trial Examiner Jaffee: The answer to that is that they are not mutually exclusive. The testimony might bear on the condition itself.

Mr. Nelson: He asked a question which the witness answered as to the testimony, while his question was as to the condition. I am interested in the condition.

Trial Examiner Jaffee: The next question, please.

Q. (By Mr. Donovan) Now, Mr. Keys, as a foreman at the Ford, do you have any records to keep of any kind?



*Testimony of Robert H. Keys*

A. Only the time sheet of my three foremen.

Q. Now, tell us every record that you kept as a foreman. Just what it was, what the purpose of it was, and what you had to do with it?

A. I just told you, Mr. Donovan.

Q. All you kept as a foreman there was a time sheet?

A. That is right.

Q. There again, that would differentiate the condition of the Ford foremen from the other companies in Detroit, that were before the War Labor Board Panel, 194 would it not, including Packard?

A. I don't know.

Q. And Briggs—you say you do not know?

A. I do not know.

Q. Well weren't you present when form after form that the foremen were required to fill out in each one of those plants were introduced in evidence and didn't you ask questions about them yourself on cross examination?

A. I was present when report forms were introduced, yes. I am aware of the fact that they make out reports. You asked me about keeping records. There is a difference between a record and a report.

Q. Perhaps I am only asking about one thing at a time.

A. If it is "records," no, I notice no difference in the records of the Ford Motor Company.

Q. I asked you about reports, didn't I?

A. No, you asked about records.

Q. All right, let's take the matter of reports. Did you, as a foreman, make out any reports at the Ford Motor Company, or can't you remember?

A. I made out hospital cards for employees injured to go to the hospital, that is all.

Q. And that is the only type of report that you made as a foreman at Ford's?

195 A. Other than my departmental communications which I would write to the foreman who followed me in my same capacity on the following shift, explaining that so-and-so machine was down and that so many tools were in the grinding room and so forth, that is all

*Testimony of Robert H. Keys*

Q. Then, those two things were the only reports that you made as a foreman at the Ford Motor Company, is that right?

A. To the best of my recollection, yes.

Q. And there is no similarity there again between Ford and Packard and Briggs and Chrysler and Murray and the Aeronautical Products, is there?

A. Without reviewing the record, I cannot recall exactly. I do remember there were numerous report forms introduced by the Company that were claimed to be used by the foremen.

Q. Then that is all the reports? Let's talk about the records for a moment. What records did you, as a foreman, have to do with and make or deal with as a Ford foreman?

A. Well, the only thing I filled out that would become a part of a record at all would be the time sheet. That was preserved by the time department, I presume—at least, for a number of years—or something like that. That is, it would be in my judgment on that. I think it would be good business to do it. Whether they do it or not I do not know.

Q. Did you have such a thing as a trouble report  
196 at Ford's?

A. No.

Q. Did you have such a thing as shortage reports?

A. No.

Q. Did you have such a thing as labor requisition reports?

A. No.

Q. Did you have such a thing as progress reports?

A. No.

Q. Did you have such a thing as employee rating card reports?

A. No.

Q. None of those things are things you had to deal with as a Ford foreman?

A. No.

Q. Did you have any responsibility with reference to instructing any of the workers over whom you were supervisor?

*Testimony of Robert H. Keys*

A. Surely, I inspected them to the best of my ability.

Q. You did that whenever it was necessary?

A. Whenever they would send a new employee in to the department that never operated a machine in a factory, which was common during this war period, I would attempt to instruct him.

Q. When a new man would come in to the department, did you attempt to make him feel at home and in friendly surroundings with his fellow workers?

197 Q. A. Yes, I shook hands with him and told him I was glad to have him in the department and that we would get along nicely.

Q. And that sort of thing makes a man feel kindly towards Management and is the part of the duty of a foreman—his duty towards Management?

A. Well, you see, I was not received that way.

Mr. Donovan: I ask that that be stricken. We are not considering bitterness or other events just now.

Trial Examiner Jaffee: It may stay.

Q. (By Mr. Donovan) Did you give the new employees as much information as you could about their duties and surroundings when they came in there?

A. I did. I taught them everything I knew.

Q. And that was quite a bit, wasn't it?

A. That is a matter of opinion.

Q. Well, in fairness to yourself, it was quite a bit?

A. I managed to teach them enough to perform their duties satisfactorily.

Q. And you feel that you discharged your responsibilities for Management rather well insofar as you could?

A. I would say it is a matter of record that I did.

Q. And that is even a matter of record?

A. I think the Company's production records would show that I always maintained my end of the job.

198 Q. Did you ever have occasion to discuss with any of the workers in your department under you, the question of whether they should be speedy or whether on the other hand they should be accurate first?

A. Yes, I told them how many we had to make and of what quality they had to be.

*Testimony of Robert H. Keys*

Q. And did you have any occasion to emphasize either speed or accuracy?

A. I did:

Q. Frequently, didn't you?

A. Very frequently.

Q. When you had to give men instructions, and I refer now to workers in your department, you sometimes had to follow them up to see if they were carried out, of course, did you not?

A. Yes.

Q. And some men need more than one instruction on a particular matter?

A. That is true.

Q. That is the way workers are, isn't it?

A. That is true.

Q. Did you feel that you had any uniform method of treating the workers under you so far as disciplinary action by you was concerned so that they felt that you were fair and impartial?

199. A. Well, I felt there was only one uniform method and that was the humane method. If you are talking about the provisions of the contract, I learned some months after the contract was signed what the grievance procedure was:

Q. So far as you were personally concerned, did you try to be fair and impartial with the workers and give them the feeling that their foreman was honest and impartial?

A. I did.

Q. And that is a rather good thing for men to do, that is, for foremen to do, isn't it?

A. I think all foremen should do it.

Q. It makes for the running of a better department?

A. It certainly does.

Q. And that in turn is related to good production, is it not, and frequent turnover too; isn't it those things that bear on turnover in a factory?

A. I would say those things have a bearing on everything in the factory.

Q. Including turnover?

*Testimony of Robert H. Keys*

A. Yes.

Q. Those are very important things?

A. Definitely.

Q. And the foreman's part in that looms rather large, doesn't it? He can sound the note as far as the  
200 feeling of the men in the department, as foreman.

A. He can if he has the authority to do it. If he is told what to do and has to carry out the orders, he is in a bad position.

Q. Regardless of any limitations he may feel that are on him which he does not like, if any, he can still do his best to make the men feel he is impartial and fair as a foreman representing Management, isn't that true?

A. Yes, he can explain, "I have been ordered to tell you to do so and so and I am doing it."

Q. Well, you have testified that insofar as your own conduct was concerned, you feel you were fair and impartial and humane in the treatment of the men in your department.

A. That is right.

Q. And they responded and accepted that atmosphere

A. That is right.

Q. Did you ever have occasion to commend any of the workers in your department for a special job well done on any particular occasion?

A. Well, if you mean by that, verbal commendation, yes, I have.

Q. And that is the sort of encouragement that is a good thing for a foreman to extend where it is merited?

A. Well, that is all I could give them. I couldn't give them a raise or anything else.

201 Mr. Donovan: I ask that that be stricken.

Trial Examiner Jaffee: It may stand, I think.

Q. (By Mr. Donovan) Did you ever have a desire to recommend to Management, that is, to higher Management, the promotion or a raise on behalf of any of your workers?

A. Yes.

Q. A foreman should be able to do that sort of thing, shouldn't he?



*Testimony of Robert H. Keys*

A. That is right. The workers would come to me as foreman and say, "Keys, how about a raise"? And I would say, "Well, I think you deserve it, and I will recommend it".

Q. And you do so in those cases, didn't you?

A. I made it clear that they were not to hold me responsible if they didn't get it, and that is why I got along with them.

Q. When they came to you, you talked to them in a co-operative way and you told them that you would try, and if the man merited it you would attempt to get it for him?

A. That is right. I told him if I thought he was entitled to it I would recommend him for a raise.

Q. And you would make the recommendation if he was?

A. If I thought so, I would.

Q. When you made that decision, were you regarding him as a man who would be more valuable to Management if he were given that raise than if he were denied it?

202 A. I never thought who he was more valuable to. But he was valuable to me if I wanted to maintain my position.

Q. If a satisfied, good worker was given a raise he would be a better man for the foreman and the Company generally, isn't that good common sense?

A. He should be.

Q. That is true, now, isn't it?

A. Not in all cases.

Q. Then you think that a dissatisfied worker is better not only for the foreman but for the Company?

A. No, I did not say that I thought he was better.

Q. Did you ever encourage any of your workers to themselves make suggestions with reference to the operation of their department or anything having to do with that, to you?

A. Yes.

Q. Did you ever receive any such suggestions?

A. Yes.

*Testimony of Robert H. Keys*

Q. From time to time the men would make them?

A. That is right.

Q. Were any of those suggestions good suggestions?

A. I thought that many of them were very good suggestions.

Q. Do workers, speaking generally now, come to foremen and make suggestions, volunteer suggestions that may involve a change in the operation of a department unless they feel more or less on a personal and friendly basis with the foreman?

A. I can only speak from my own experience. They did with me.

Q. It helps if the foreman has the type of leadership which encourages that type of thing?

A. That is the way I felt about it.

Q. That would be true of any foreman?

A. It would be, because it is to his own advantage.

Q. Did you have any responsibility at all with reference to men or, rather, workers leaving their jobs for a different period during the day?

A. Yes, we had a great deal of trouble with that.

Q. Taking into consideration—first, that required quite a bit of activity on your part, did it not, looking after it, did it not?

A. Well, usually—until the time I had left the employment of the Company, it had not been corrected. The men would leave their jobs early and line up at the clocks. If that is what you have reference to.

Q. I mean, for any reason; I do not mean at quitting time necessarily. I mean, during the day.

A. We never prohibited them from leaving the job if they wanted to go to the lavatory. Occasionally, one would go and stay too long and, as a rule, his leader—  
204 and by leader, I mean the man in charge of a particular little group of machines—the leader would go after him and get him back on the job.

Q. Well, you as foreman, kept your eyes on things of that sort, did you not?

A. Yes, everybody in the Ford Motor Company kept their eyes on it.

*Testimony of Robert H. Keys*

Q. And as foreman of the department, you felt obligated to know what conditions were as to the men leaving for an undue length of time?

A. As foreman of the department, I knew I couldn't make my schedule if they weren't on the job.

Q. That is right, and you did what you could to improve that condition, did you not?

A. Yes, I worried.

Q. Were any of the workers whom you recommended for promotion promoted?

A. Yes, I think I can recall one that was promoted from an operator to a leader's job on my recommendation.

Q. That is the only one you can think of at the present time?

A. That's all I can recall.

Q. In your six years as foreman?

A. That's right.

Q. That is the only recommendation you made for promotion?

205 A. No, it isn't the only recommendation I made.

Q. You made a lot of recommendations?

A. I made several.

Q. Well, just roughly, how many?

A. Oh, I would say a dozen.

Q. That would be about two a year, if you were there six years, about that?

A. Yes.

Q. And some of those cases you recommended, your recommendations were not followed by Management?

A. Most of them were not followed.

Q. And again, that does not correspond with the general condition, and I am speaking generally, in other plants, such as the Chrysler Corporation, Briggs and the Murray Corporation?

A. I don't know.

Q. You know nothing about that?

A. I don't say I know nothing about it.

Q. You do not know whether foremen in those plants originate any recommendations for promotions or demotions?

A. Oh, yes.

*Testimony of Robert H. Keys*

Q. You know nothing about it in a general way, now, as to the extent to which those recommendations are honored or supported by Management?

A. I can tell you what I have been told.

206 Q. Did you not hear, day after day, testimony on the many ways in which foremen have been supported by Management in such matters during the War Labor Board hearing?

A. Yes, I heard that.

Q. And you heard them read in a lot of discharges the foremen had made, that had been supported by Managements?

A. Yes, and I heard them read in discharges made in the Labor Relations Department upon the foremen's recommendations.

Q. What is your relation with the men who have to do with the delivery into your department—at Ford's, of course, I am speaking of—of the materials the men work on?

A. There are no relations, except to get the stock in here. "That's your job, get it in here", I would tell them that. If they had it, they would bring it in; if they didn't, they wouldn't do anything about it.

Q. But you can ascertain whether or not the stock is sufficient in quantity, of course, for the men to run the department?

A. Well, I can count. If we had to make one hundred finished pieces, why, I would have to have one hundred rough pieces.

Q. That is right, and part of your responsibility was to see that you had enough material in there to keep the department running smoothly?

207 A. Not to see that I had enough material to keep the department running smoothly, only to the extent of reporting it and after that, it was taken out of my hands. I reported it on each occasion, because if I was going to make my production, and I didn't want to be fired by the superintendent at night, I had to report it in each instance.

Q. That is right; and whenever that condition prevailed you complained louder?

*Testimony of Robert H. Keys*

A. I sure hollered.

Q. Now, as I recall your testimony, you had very little to do while the CIO was in the Ford factory and while you were a foreman. You said that was for a period of about six or eight months, as I remember. Am I right about that?

A. No.

Q. How long was the CIO in there before you left?

A. I have been told it was in there since 1936. The first contract was signed in 1941, if I am not mistaken, 1940 or 1941; 1941, I believe.

Q. You left Ford's when?

A. In July, 1942, about a year or year and a half later.

Q. Well, did you not have certain contacts on grievances with CIO personnel during that period?

A. Well, for a long time I didn't. The Company and the Union negotiated a contract and signed it, then for the first time the foremen knew about it by reading 208 about it in the newspapers. They were not given copies of the contract. There were some disturbances in the plant and so forth, and finally resolved itself around to where we understood that people would come to us with their grievances, if they had any.

Q. Who told you that?

A. I can't recall anybody telling me. I had a copy of the contract.

Q. Well, you did get a copy of the contract?

A. Yes, I stopped down and got a copy from Local 600 of the UAW-CIO.

Q. Did you know the officers of that Local?

A. No, not at that time. I simply stopped down there and asked them one day for a copy.

Q. And after that, you did have certain contacts with the workers under the so-called grievance machinery of the contract?

A. Yes, I found out the first step of the grievance machinery was the foreman.

Q. Just take any ordinary grievance, who were the parties concerned in a grievance? First, there would be the worker, would there not?

A. The worker would be the aggrieved man.



*Testimony of Robert H. Keys*

Q. That is right, and who else?

A. His departmental committeeman.

209 Q. That would be the CIO man?

A. Yes, he would go to the CIO man and then he would come to me.

Q. Did the worker speak for himself or did the CIO committeeman speak for him?

A. He was represented by the committeeman.

Q. Who spoke for Management at that stage?

A. I don't know; I didn't.

Q. Did anybody?

A. If I was speaking for Management, I could have settled a lot of grievances.

Q. Did anyone speak for Management at that stage?

A. Not at that stage.

Q. Well, did you have anything to do with the CIO regarding workers' grievances?

A. I said I did. Mostly, they were just little minor things like being unable to get gloves or oil running out of a machine.

Q. Who represented Management on those occasions when you settled those grievances?

A. On those, I did.

Q. You did?

A. Yes, I sure did.

Q. And you settled them?

A. Sure, I got the mopper over there and he mopped  
210. up the oil, and I went down and got the gloves.

Q. Now, Mr. Keys, you filed the petition in this case on October 10th, at least, you signed and swore to it on October 19th, I guess it is, last, is that right?

A. Yes, I am sure that is the date.

Q. Now, with whom did you take up the question of the issuance of this petition?

A. I didn't take it up with anybody, other than our legal counsel and our Executive Board.

Q. You did not take it up with the Seventh Regional Office of the National Labor Relations Board?

A. I went over there and asked if I could have some blank forms, and they gave them to me, and I went back and filled them out and took them back and filed them.

*Testimony of Robert H. Keys*

Q. When did you make the request for the form that you filed or filled out and signed and swore to on October 19th?

A. On October 19th.

Q. What led you to ask for a petition with respect to the Packard Motor Car Company at that time?

A. What led me to ask for a petition?

Q. That is right. You know that the National Labor Relations Board had held that the foremen were an inappropriate unit for bargaining purposes?

A. I was familiar with the Maryland Drydock decision.

Q. Yes, everybody understands that.

211 A. No, I don't think anybody understands that.

Q. Well, you understood the decision in that case?

A. That is right.

Q. Why did you think the National Labor Relations Board would uphold a petition against the Packard Motor Car Company in 1944, in view of that decision?

A. I didn't know they would; I had hopes.

Q. On what did you base those hopes?

A. The fact of the chaotic condition under which these foremen have been working during this war period, and the results that might follow.

Q. That condition was no different than the condition that prevailed some months before?

A. Prior to the Maryland Drydock decision, conditions were lovely in comparison to what they are now. There isn't an employer that hasn't taken advantage of them and abused them all. They have all done that.

Q. You think the Board was wrong in deciding the Maryland Drydock case as they did?

A. I do.

Q. What, specifically, do you have in mind now, what specific hope do you have now that the Board will uphold your petition regarding the Packard Motor Car Company for the bargaining rights of foremen?

212 A. The same hopes I have had in the three years of fighting.

Q. You just decided to file one more petition, is that right?

A. That's right.

*Testimony of Robert H. Keys*

Q. And you did not negotiate with anybody connected with the National Labor Relations Board in Washington or in Detroit on that subject?

A. No, I did not.

Q. And you did not have anyone present for you as your counsel or agent in Washington or Detroit, or elsewhere, prior to this Notice of Hearing by the Board?

A. Now, following the Maryland Drydock decision, I have been to Washington several times myself.

Q. I mean, in reference to this petition, this petition you signed and swore to on October 19th, regarding the Packard Motor Car Company?

A. In reference to this petition, no.

Q. You just decided to file just one more petition, hoping the Board would change its mind and entertain it?

A. At the time of filing that, yes.

Q. That was on October 19th?

A. That is right. As a matter of fact, in discussing this situation with another officer of the MESA not more than a week before I filed that, he said he held absolutely no hopes, but I still filed it anyway.

213 Q. And you did not discuss the petition after you filed it with anybody connected with the National Labor Relations Board?

A. At the time—

That Examiner Justice: (Interposing) Did you say after he filed it or before?

Mr. Donovan: Either, before or after. I believe he said he did not before.

Q. (By Mr. Donovan) Did you talk to anybody in the Seventh Regional Office or in Washington about this petition at the time you swore to it, or afterwards?

A. At the time I filed the petition on that day, October 19, when I took it over to file it, yes.

Q. You went over to the Seventh Regional Office of the National Labor Relations Board?

A. I did, and just so the record is true and straight, prior to filing this, I had called the Seventh Regional Office of the National Labor Relations Board over the telephone and told them I was going to file a petition one of these days.

*Testimony of Robert H. Keys*

Q. What did they tell you when you took the petition over there?

A. They said they would refer it to Washington and Washington could do what they wanted to with it.

Q. And that represents all the conversations you  
**214** have had with anybody connected with the National Labor Relations Board about this petition?

A. No, I explained how I happened to select those particular classifications as the unif, and why I did it.

Q. No reason was given to you as to why the petition was being entertained?

A. No.

Q. And you do not know now?

A. No.

Q. You just have a hope that the National Labor Relations Board is going to reverse its decision?

A. Yes, I have that hope. I think they should reverse their decision.

Q. That is what I understand.

Trial Examiner Jaffee: We will suspend at this time until two o'clock.

(Thereupon, the hearing in the above matter was recessed at 12:15 P. M. until 2:00 o'clock P. M.)

**215** After Recess.

(Pursuant to recess the hearing resumed at 2 o'clock P. M.)

Trial Examiner Jaffee: The hearing is in order, gentlemen.

• ROBERT H. KEYS

resumed the stand, was examined and testified further as follows:

**Cross-Examination** (Continued).

Q. (By Mr. Donovan) Mr. Keys, referring to your exhibit in this case, number 9, which you will recall,—to refresh your recollection—that was a list of the petitions for bargaining that the Foreman's Association of Amer-

*Testimony of Robert H. Keys*

ica had filed with the National Labor Relations Board. Do you recall that petition?

A. Yes.

Q. And it also contained an indication in each case for the many petitions that were filed, an indication of the disposition. Do you recall that?

A. Yes, I believe it is marked on the exhibit.

Q. Now, I take it for all companies in Detroit and Michigan that these several petitions were, of course, filed with the Seventh Regional Office here in Detroit?

A. That is right.

Q. That is right, isn't it?

A. Anything for the Lower Peninsula for the State  
216 of Michigan was filed in the Seventh Region.

Q. In that case would the Midland Steel not be in such a petition?

A. Midland Steel would be in such a petition.

Q. Is that a petition you filed with the Detroit Board?

A. Yes.

Q. In that case the Board declined to issue a notice of hearing, did they not?

A. You have reference to the representation case?

Q. Well, I am referring to your own exhibit No. 9 which is headed "Petitions for Bargaining."

A. Yes.

Q. Which were filed with the National Labor Relations Board Office as you state here in Detroit for all Michigan companies for the Lower Peninsula. /I am asking you now if the one you filed on behalf of the Midland Steel Company for the Foreman's Association of America, whether in that case the Board declined to issue a notice of hearing?

A. All the petitions pending at the time of the Maryland Drydock case—

Q. Let's confine our answer to the question asked.

A. That was excluded. That was declined in a group of petitions.

Q. The Detroit Regional Board declined to issue a  
217 notice of hearing?

A. On June 29th, along with others.



*Testimony of Robert H. Keys*

Q. They declined to issue a notice of hearing for similar petitions of the Foreman's Association of America. By the way—you executed all these petitions, did you not?

A. I do not know whether I personally executed each and every one of them or not. I probably did.

Q. And the Board declined to issue any notice of hearing in the Detroit Steel Products case on petition of the Foreman's Association of America?

A. Yes.

Q. And in the case of the Graham Paige Company?

A. Yes.

Q. And in the case of the Chicago Pneumatic Tool Company?

A. Yes.

Q. And in the case of the Aluminum Company of America?

A. Yes.

Q. And in the case of the Timken-Detroit Axle Company?

A. Yes.

Q. And in the case of the Studebaker Corporation?

A. I am not personally familiar with that one.

Q. Well, we will omit that. Then in all these cases that you have just mentioned did the Board decline to issue any notice of hearing on your petition for bargaining on behalf of the Foreman's Association of America?

218 A. Yes, on June 29, 1943.

Q. Why, in October of this year, in filing a petition for bargaining again did you select the Packard Motor Car Company?

A. Why did we select the Packard Motor Car Company?

Q. Yes.

A. Because we were 100 per cent organized in Packard.

Q. And that is the only reason you had for selecting the Packard Motor Car Company?

A. That is the only reason I had, yes.

Q. You mean by that other people had other reasons that you know of?

A. When we decided to file another petition on one of our chapters we checked all of our chapters and tried to

*Testimony of Robert H. Keys*

determine which would be the strongest and which had the majority, and the majority opinion was that Packard was the best.

Q. You know that the Board ordinarily and customarily and traditionally entertains a petition for bargaining on behalf of representatives, even in a small percentage, as low as ten or fifteen per cent of the employees in the requested unit block?

A. No, I am not personally familiar with that fact.

Q. Well, you had filed petitions where in many cases prior to this one, where you were not 100 per cent  
219 organized as you say you are in Packard?

A. Yes, we were more than fifty-one per cent organized, though.

Q. So that the mere fact you had 100 per cent membership would not be the reason why your petition would not be entertained. You could have made it in behalf of any other company where you had fifty or fifty-one per cent, couldn't you?

A. We could have.

Q. Now, Mr. Keys, in the Petitioner's Exhibit No. 4, which is the Constitution of the Foreman's Association of America adopted at Dearborn, Michigan, November 24th—was that, by the way, the first Constitution of the Foreman's Association?

A. November 2, 1941, yes.

Q. And at that time, Article I reads as follows, did it not:

“This voluntary association of foremen shall be known as Foreman's Association of America”?

A. That is correct.

Q. And article II, which was headed “Purposes,” reads as follows:

220 “The purposes of this Association shall be to encourage acquaintance and social intercourse among foremen, to confer and act upon measures for the protection and advancement of the economic welfare of foremen, and to encourage study, conference

*Testimony of Robert H. Keys*

and wider learning among foremen, to the end that they may improve in the management of men in industry."

Q. You recall that as the original Article II of your constitution, do you not?

A. That is correct.

Q. Article V, subsection 2, in that Constitution, reads as follows, does it not:

"Any person of good moral character, who is at the time of filing his application and at the time of admission to membership a foreman for any owner or employer of labor, such person not being the owner or employer of labor, may become a member of this Association provided he has been a foreman for a period of not less than sixty days prior to filing his application for membership. \* \* \*"

A. That is correct.

Q. Now, that Constitution was changed, was it not?

A. It was amended in 1942.

Q. It was amended in 1942?

A. I believe it was.

Mr. Donovan: Will you mark this Company's Exhibit No. 1, please?

(The document above referred to was marked for identification as Company's Exhibit No. 1.)

221 Q. (By Mr. Donovan): I show you what has been marked for identification as Company's Exhibit No. 1, and which appears to be a Constitution of the Foreman's Association of America, bearing the words, "Adopted at Dearborn, Michigan, 1942," and ask you if you can identify that pamphlet, as such?

A. Yes, I identify that as the Constitution of the Foreman's Association of America that was adopted at Dearborn, Michigan in December, 1942.

Q. And do you agree that the provisions of the earlier Constitution that I just read to you and which you said were correct, were still continued in this particular Constitution, or would you like to examine it?

*Testimony of Robert H. Keys*

A. Do you have reference to an amended constitution when you say "this particular"?

Q. I have reference to this Company Exhibit No. 1 which you have now identified as the Constitution adopted in Dearborn, Michigan, November, 1942. The earlier exhibit, No. 4, was the November 2, 1941, Constitution.

A. I am not familiar with the amendment at this time. I would read it and tell you whether there were any changes or not.

Q. I will ask you, and I will give you a chance to examine it, if I am not quoting it correctly from Article I, as I did earlier,—

222 "This voluntary Association of Foremen shall be known as Foreman's Association of America."

Q. Then Article No. 2:

"The purposes of this Association shall be to encourage, acquaintance and social intercourse among foremen, to confer and act upon measures for the protection and advancement of the economic welfare of foremen, and to encourage study, conference and wider learning among foremen, to the end that they may improve in the management of men and women in industry."

And Article V, a corresponding article to Article V which I previously read:

"Any person of good moral character, who is a foreman for an employer of labor at the time of filing an application for membership may become a member of this Association, provided he has been a foreman for a period of not less than thirty days prior to filing his application for membership."

You do not dispute that still continued to be the provision of your Constitution of December, 1942?

A. Not if that is a copy of our Constitution.

Q. Well, have you any reason to believe this is not a copy?

A. No, I recall those articles and sections were amended. I don't recall if it was in 1942 or 1943.

*Testimony of Robert H. Keys*

223 Q. Would it assist your recollection if I told you that this document bears the stamp, "Plaintiff's Exhibit No. 6, L. T. Funk, Reporter," which would be the stamp of a court reporter where it was received in evidence, where your counsel was present, as such Constitution? If you have any serious doubts about the authenticity of it, I would like to have you state it.

A. I have no doubts.

Trial Examiner Jaffee: Just to clear the record, that stamp is in connection with some other case?

Mr. Donovan: Yes, sir.

Q. (By Mr. Donovan): Now, referring, in this case, to Petitioner's Exhibit No. 3, which was a Constitution of the Foreman's Association of America adopted at Dearborn, Michigan in November, 1941, I am quoting from the pamphlet on the cover and continuing to quote,

"Amended at Dearborn, Michigan, 1943 Convention."

That, as you may recall, is the document which was introduced here by you as Petitioner in this case, or by your counsel.

A. Right.

Q. Now, Article I in this Constitution which I now read from and, by the way, is this the present Constitution of the Foreman's Association of America?

A. No.

224 Q. All right, I will come to that in a minute. Article I reads as follows:

"This voluntary Association of Supervisory Employees shall be known as Foreman's Association of America."

You recall that change, do you not?

A. I do.

Q. Article II, entitled, "Purposes" reads as follows:

"The purposes of the Association shall be to encourage social acquaintance among supervisory employees to confer and act upon measures for the ad-



*Testimony of Robert H. Keys*

vancement of economic welfare of supervisory employees through collective bargaining, and to encourage study, conference and wider learning among supervisory employees to the end that they may improve in the supervision of men and women in the industry."

And Section 2 of Article V, the same corresponding section that I have read from in the prior constitution, reads as follows:

"Any employee of good moral character whose duties require the supervision of other employees or who directs the work of other employees; who may or may not supervise other employees and who is not a member of any other organization recognized by his employer as representing him in collective bargaining may become a member of the Association after having been employed as a supervisory employee for  
225 a period of not less than thirty days."

You recall that provision, do you not?

A. I do.

Q. Now, is there anything in your Constitution which limits your membership to foremen?

A. Do you mean supervisory employees or the classification of foremen? Our Constitution limits our organization to supervisory employees.

Q. Well, what is your definition of supervisory employees?

A. My definition of supervisory employees is persons employed by an employer and supervises the work of other employees.

Q. And in the commonly used categories of supervision, where does supervision begin and end, in your judgment?

A. It depends entirely upon the plant you have in mind.

Q. Well, what would you say with respect to the Packard Motor Car Company plant?

A. With respect to the Packard plant, we say that supervision stops when you start from the bottom and go up, starting with assistant foremen and stops with the general foreman.

*Testimony of Robert H. Keys*

Trial Examiner Jaffee: Will you read that, please?  
(Answer read.)

The Witness: In other words, assistant foremen to  
226 foreman to general foremen, is inclusive of supervisory employees.

Q. And is that as far as the Foreman's Association goes in accepting members?

Trial Examiner Jaffee: The Packard plant, you mean?

Mr. Donovan: We are talking about Packard. I would also like to have him answer the question generally, because I do not think that they make distinctions between plants.

227 A. The Foreman's Association of America provides in its Constitution, for supervisory employees.

Q. Just a minute, Mr. Keys—I am asking you whether or not—I would like to have you answer the question.

A. I am going to answer the question.

Q. I do not think what you are saying is responsive.

Trial Examiner Jaffee: Read the question.

(Question read.)

The Witness: You are speaking about Packard now?

Mr. Donovan: That is right.

Q. (By Mr. Donovan) I want to ask the same question with reference to any other of the companies involved in the War Labor Board Panel hearing recently.

A. With reference to Packard's, yes, that is as far as we go in Packard. With reference to any other plant we are going to go just as high as the Company misclassifies foremen. In other words, the Company in its attempt to keep people out of our organization, classify them as assistant superintendents and superintendents falsely. That does not stop us from bringing them into our organization.

Q. So that your membership might well embrace assistant superintendents and superintendents, depending upon your judgment of the situation at the time?

A. Based upon their authority and duties.

Q. Why do you stop, or rather, do you stop at  
228 assistant superintendents and superintendents?

A. I believe I stated that we would go just as high as the need may be.

*Testimony of Robert H. Keys*

Q. And if there was a need for assistant plant managers and plant managers, you would not consider them immune, I take it?

Trial Examiner Jaffee: I do not think that is a fair question in view of the witness' testimony. There is a distinction between a fact and a name. The witness indicated, as I understand his testimony, at least, that it depends whether or not the name is correctly applied to the fact.

Mr. Donovan: Well, Mr. Trial Examiner, I presume that the testimony is open to more than ~~one~~ construction. I would fairly deduce that the witness has said that the Foreman's Association of America will be the judge of how high in supervision they will go in accepting members into the Foreman's Association of America and that their judgment will be that upon which they will act in taking them or not taking them into membership. I think that is a fair characterization of the witness' answer.

Trial Examiner Jaffee: The point is that your question is assuming something the witness has not agreed to.

Mr. Donovan: I must abide, of course, by the Trial  
229 Examiner's ruling as to whether he will allow the witness to answer the question or not.

Trial Examiner Jaffee: Suppose you re-frame the question.

Mr. Donovan: I do not know as though I want to re-frame the question and feel that I have carried the question as I want to put it.

Trial Examiner Jaffee: Will you read the pending question?

(The question was read.)

Mr. Donovan: It is related to prior questions.

Trial Examiner Jaffee: The question is excluded.

Q. (By Mr. Donovan) Now, Mr. Keys, as a matter of fact, in the hearing before the War Labor Board Panel here recently, you had foremen witnesses who testified that you did not take superintendents, did you not?

A. That is correct.

Q. But you did take them, didn't you, during your May strikes in Detroit?

*Testimony of Robert H. Keys*

A. No, not superintendents. We took employees misclassified as superintendents into our organization.

Q. And you solicited them during those strikes, did you not?

A. We did.

230 Q. I am referring, of course, to the Foreman's Association of America strikes in May of 1944, and April.

A. That is the only one I would discuss with you.

Q. And as a matter of fact, presidents of chapters of the Foreman's Association of America wrote letters and distributed circulars announcing to superintendents that if they would join or become a member of the Briggs Chapter Number 2 of the Foreman's Association of America, that such member would receive the full support and backing of the Executive Board and membership of the Foreman's Association of America, Chapter Number 2 of the Briggs Company, in preventing discrimination.

A. You started your question in the plural and you are now ending it in the singular. If you want my answer as to the plural, it is no, and if you want it as to the singular, it is yes.

Q. You agree with me as to what I say with reference to the Briggs Manufacturing Company?

A. Yes, that was published and distributed.

Q. As a matter of fact, now that you are on Briggs and we will so confine it, you not only solicited superintendents, you carried them down to the Union Hall after beating them up and forcing them to sign membership application cards, did you not?

A. I do not know anything about that.

231 Q. You recall that that was brought out at a War Labor Board Panel hearing here, don't you?

A. I recall that that was alleged as a fact.

Q. Do you recall that that was brought out with the War Labor Board here?

A. I recall that you claimed that to be a fact.

Q. You recall that that stands undenied on the record in that case today.

Mr. Nelson: I do not believe that would be material,

*Testimony of Robert H. Keys*

Mr. Examiner. We are not called upon, either here or there, to make a reply to an accusation of that kind.

Mr. Donovan: I can see its relevancy here on two or three different grounds.

Mr. Nelson: He took the entire matter into Circuit Court and he spent a week on it and got nowhere on it. It has been disputed in a case that involved just that and he did not get anywhere with it.

Mr. Donovan: I can understand counsel's disinclination to go into matters of that kind. That does not mean that we will not do it unless the Commissioner wants us to or not.

Trial Examiner Jaffee: What is it you say is undenied, Mr. Donovan? He has testified that he does not deny that they solicited superintendents in the Briggs Manufacturing Plant during the May strikes.

232 Mr. Donovan: I asked him after that admission something with respect to the manner in which they solicited some of the superintendents as it was brought out and undenied by the Foreman's Association of America in a War Labor Board Panel hearing of recent date here. I asked him whether he recalled that or not.

Mr. Nelson: That has been denied.

Mr. Donovan: That would affect the credibility of the witness, depending on what he answers.

Trial Examiner Jaffee: Do you want him to answer as to the manner of solicitation?

Mr. Donovan: I gave him an incident and asked him about that. I gave him a specific incident. I do not recall the specific frame of my question, but I asked him whether or not that had been denied or disputed in the War Labor Board case where evidence was adduced.

Mr. Nelson: I think that would be an improper question. The allegations were properly made and the pleadings filed in the Circuit Court and they were denied and met at that trial. Obviously, the National Association in every formal way denied the averment made by Mr. Donovan. He knows it was denied. He stood in Court for a week and tried to establish it over the denial of the Association.



*Testimony of Robert H. Keys*

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Mr. Donovan: I know that we stood in court for a week and tried that case in court without the Foreman's Association of America putting in any evidence whatsoever denying anything.

233 Mr. Nelson: We denied the pleadings and it never reached a place where we had to deny the proof.

Trial Examiner Jaffee: In any event, it is irrelevant in this particular hearing. I so rule.

Mr. Donovan: Then the Examiner rules out the question?

Trial Examiner Jaffee: Yes.

Q. (By Mr. Donovan) Now, Mr. Keys, you have said, I believe, that you think the Foreman's Association of America should be an independent union, am I right in that?

A. Yes, I have said that.

Q. And you believe that, don't you?

A. I have always believed that personally, yes.

Q. And what do you mean by an independent union?

A: A union unaffiliated with any other labor organization of manufacturer's association or any other type of organization.

Q. Why do you think it is wise to have the Foreman's Association of America an independent union? What reasons would there be for that?

A. Because we can service our members better.

Q. Why? Why do you say that?

A. Did you say why do I say that?

Q. Why could you service them better as an independent union?

234 A. That is what we believe.

Q. Why do you believe it?

A. Because that is what we think.

Q. What reason do you have for thinking that you are going to be better off as an independent union? You have not given me yet any reason. You say you think so.

A. Because we have been independent since we started. It has worked out very successfully and we are satisfied with it and cannot see any reason why it should change.

Q. Are those the only reasons you can think of?

*Testimony of Robert H. Keys*

A. I may have discussed other reasons but that right now is all I can think of, yes.

Q. When you started at Ford's at 62½ cents an hour in 1935, that was it, wasn't it?

A. January 19, 1935.

Q. How much more was your foreman getting than you were?

A. I do not know.

Q. Did you ever make any inquiry about that?

A. No, I did not.

Q. Do you know whether he was getting more than you were?

A. No, I do not.

Q. It might have been that he was getting less, for all you know?

A. I am quite sure he wasn't, but I do not know.

235 Q. And your next raise was—how long were you at 62½ cents an hour? Where you did not know that?

A. I think I told you this morning that I got a raise sometime during the balance of the year 1935, probably in the late fall.

Q. There was a period of several months, then, when you were working at 62½ cents an hour and you did not know whether or not your foremen were paid at a higher rate than you were?

A. I said I never asked him.

Q. You did not know then, did you?

A. No, I did not know.

Q. When did you get your advance of five cents to 75 cents an hour?

A. I think the Company came out with a \$6.00 day basic, somewhere in the latter part of 1935 and that is when we got our increase.

Q. At that time, was your foreman getting more than you were, 75 cents an hour?

A. I presume he was.

Q. But you do not know?

A. No.

Q. How long were you at 75 cents an hour?

*Testimony of Robert H. Keys*

A. Mr. Donovan, I answered this morning that if you want me to get the dates, I could get them. I do not know them. You said that you did not want them  
**236** and now you are asking the same questions over again.

Q. You were pretty good on details of the early formation of the Foreman's Association of America and your part in it while you were in Ford's. Are you able to give us any idea of approximately how many months or what the period was approximately when you were on 75 cents an hour?

A. I do not know how many months it was. I told you that I was up to \$1.65 an hour.

Q. We will get to that in a minute. Whatever period it was you were on at 75 cents an hour you do not know what differential was maintained by that Company between you, a worker, and the foreman over you?

A. No, I do not.

Q. They may have or may not have had a differential as far as you know?

A. As far as I know, that could be the fact.

Q. What was your next raise from 75 cents? To what?

A. To 80 cents.

Q. Do you remember what year that occurred?

A. No, I am sorry, I do not.

Q. That would be sometime in 1936, would it?

A. Probably.

Q. When you were getting 80 cents an hour, how much more than you was your foreman getting?

A. I do not know.

**237** Q. You do not know whether he was getting more than you were?

A. No, but I can find out for you.

Q. You do not know now and did not then, apparently?

A. No, I do not and I didn't.

Q. From 80 cents—How long were you at the 80 cents an hour rate?

A. Oh, several months.

Q. Then you went to what rate?

A. 85 cents.

Q. How long were you at 85 cents?

*Testimony of Robert H. Keys*

A. Several months.

Q. That would bring you up to around 1937 or 1938, now?

A. The only increase I ever got which was more than five cents was—

Q. I am asking you only about this increase. You are up to 85 cents an hour now?

A. That is right.

Q. Sometime in 1938, would you say?

A. Possibly.

Q. Well, at 85 cents an hour, how much more than you was your foreman getting?

A. I do not know.

Q. What was your next raise?

A. A nickel, I believe.

238 Q. Now, you are at 90 cents. Do you know, when you were at 90 cents, whether or not your foreman was being paid more than you received as a worker at 90 cents?

A. No.

Q. Did you subsequently get another raise to 95 cents an hour?

A. I believe so, yes.

Q. That was your next raise?

A. Yes.

Q. Were you still ignorant as to what your foreman under whom you worked, received?

A. Right.

Q. Was your next raise to \$1.00 an hour?

A. I think so, yes.

Q. Can you tell us about what year you got into the \$1.00 an hour rate?

A. I am only making a guess, but it would be about 1940, I would say.

Q. Did you still remain in ignorance as to whether or not your foreman in particular was receiving more than you as a worker under him received?

A. That is right.

Q. Did you subsequently get raised to, I think—you said—you are in 1940 now?

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*Testimony of Robert H. Keys*

A. Yes.

239 Q. Did you subsequently get raised in 1940 to \$1.05 an hour?

A. I did.

Q. Did you still remain in ignorance as to whether or not your foreman was getting more than you as a worker under him was getting?

A. That is right.

Q. Would that bring you up to 1941?

A. I think I got four raises in 1940 up to \$1.20.

Q. During 1941 you went up to \$1.20?

A. I think I did.

Q. Do you know whether or not your foreman had anything to do with recommending those raises?

A. I wasn't under the same foreman all this time but some of them were recommended, yes.

Q. By your foreman?

A. Yes.

Q. Do you think his recommendation was sound?

A. Yes, I think so.

Q. You think you merited it?

A. Yes.

Q. Were there some men in the department who did not receive recommendations for raises such as you did at the same time?

A. I do not know.

240 Q. You do not know?

A. No.

Q. You wouldn't say that they all received a raise at the same time you were recommended for your raise, though? You are not claiming that, are you?

A. No, I don't know, I said.

Q. You believe, then, in your own individual case, where the foreman recommended you for these raises, that you felt that you had earned it and that he had used good judgment, did you not?

A. In each case where he recommended it for me individually, I thought I earned it although I did not always get it.

Q. At the end of 1941 you were at \$1.20 and in 1942 you got more raises?



*Testimony of Robert H. Keys*

A. No, not 1941. I said 1940.

Q. At the end of that year?

A. I said I think in 1940 I got four raises, bringing me up to \$1.20.

Q. That is what I understood. Then you got more raises in 1941, didn't you?

A. Yes, I went up to \$1.65 when they moved me to the Aircraft Building.

Q. In 1941, by successive stages, from \$1.20, you went to \$1.65, is that right?

A. No.

241 Q. I thought that is what you just said.

A. I said I was paid \$1.65 making \$1.20 approximately at the end of 1940 but when the UAW signed the contract with the Ford Motor Company and established their new wage scales, Ford Motor Company had to give me 45 cents an hour in one lump sum more to bring me up a nickel more than the men I was supervising.

Q. When did you become a foreman, as between 1940 and 1941?

A. When did I become a foreman?

Q. Yes.

A. I have been a foreman all the time you have been talking about here, ever since the first six months.

Q. You testified you did not go in as a foreman.

A. No, I was on the job about six months when they asked me to be a straw boss.

Q. Well, you do not object to giving us now the date when you became a foreman, do you?

A. No.

Q. Well, when was it?

A. I thought it was in the summer of 1935, somewhere in the month of May. That's when they asked me if I would be a straw boss. Later on, the records showed they had not reported me as a foreman and hadn't until

242 sometime later. I will say I was acting in the capacity of a supervisory employee after the first six months of my employment, up to the time I left.

Q. When did you, in your own mind, first become a foreman?

A. In 1935.

*Testimony of Robert H. Keys*

Q. But you seem to be unwilling to grant yourself the full status of a foreman. It was only some sort of paper affair. What is the truth about that?

A. Well, they told me I was to be a foreman and I took their word for it.

Q. Did you do a foreman's job from that time on?

A. I supervised other employees, yes.

Q. And you gave them the directions as you testified this morning?

A. I did.

Q. Between then and the end of 1941 you were receiving \$1.65 an hour?

A. And five cents for nights, when I was on the night shift.

Q. Five cents an hour night bonus?

A. Yes.

Q. You were undoubtedly, then, in your own mind, a regular foreman, were you not?

243 A. That's right.

Q. How much more were you receiving as a regular foreman than the workers under you at the time?

A. At the time I left, do you have reference to?

Q. 1941. Any time in 1941.

A. Well, there was a time when I was making less. That's when they paid off the UAW workers under their contract, but they immediately, within the following pay or two—as I stated, I got 45 cents, a forty-five cent raise and it was made retroactive to the date of the other employees and that gave me, I think, a fifteen-cent differential above them.

Q. And about what time, now, did that take place, the fifteen-cent differential?

A. Well, that would be—when they made the payoff in the early part of 1941—

Q. (Interposing) Just approximately, Mr. Keys.

A. Well, it was in the summer of 1941, somewhere in the Spring.

Q. So that, by the time—

A. (Interposing) No, I beg your pardon, it was following the signing of the contract with the UAW, so it would have to be after June because that was signed in June. It was in the fall of 1941.

*Testimony of Robert H. Keys*

**244** Q. So at least by the Fall of 1941 you know that as a foreman you were on the basis of fifteen cents—or fifteen percent, did you say—above the workers under you?

A. I said I thought I was making a fifteen cent differential at that time.

Q. You are not sure of that, though?

A. No, I don't recall what the highest paid employee under my supervision was getting at that time.

Q. What was the differential situation in 1941 at the Ford Plant? I am speaking now as between workers and foremen.

A. Well, some foremen were making as little as a nickel more. We had some cases who were making the same; some who were making less and a few who had made ten, fifteen and possibly up as high as 25 cents more.

Q. In your judgment—I am asking you as of the present time now—should there be a differential between the foremen and the workers under them in favor of the foremen?

A. Definitely, yes.

Q. You feel quite positive about that, do you?

A. I do.

Q. And about where do you think that ought to be?

A. It depends on the classification of the foreman and the rates of pay of the people under his supervision.

Q. Well, could you illustrate by giving us sample  
**245** differentials that would have your approval?

A. I think the first step in any instance should be at least 25 cents an hour.

Q. Up to as high as a differential of what an hour?

A. I would like to see a dollar. I don't know of any that go that high.

Q. Why do you think foremen receive such a marked differential in pay as between themselves and the workers under them?

A. Because they are employed to supervise and take on certain responsibilities that the other people do not take on.

*Testimony of Robert H. Keys*

Q. And they are called upon to exercise judgment that the workers do not have to exercise, among other things?

A. That's right.

Q. As you say, they assume responsibilities that the workers with their hands do not have to assume?

A. Yes, the individual worker working on a machine is only responsible for that one machine. The foreman is responsible for all the machines under his supervision.

Q. He is also responsible for the other things that we went over this morning in detail, is he not?

A. I don't recall all we went over this morning, but he is responsible for seeing that the work is produced.

Q. You recall we enumerated a rather long list  
246 which you apparently admitted were the foreman's job and were up to him. Do you recall that?

A. Yes, I recall some of it. I don't recall every detail.

Q. Now, Mr. Keys, would you give me at this place in the record again the date when the Foreman's Association was officially organized?

A. Well, we started to organize in August of 1941. The first meeting and first official election of officers and adoption of constitution was November 2, 1941.

Q. Prior to that time, had there been any strikes of foremen in the Detroit area that you know of?

A. Not that I know of. They couldn't strike; they were unorganized.

Mr. Donovan: I will ask that that be stricken out as unresponsive, Mr. Trial Examiner.

Trial Examiner Jaffee: I think it may stay.

Q. (By Mr. Donovan) Now, Mr. Keys, you have approximately 32,000 members?

A. Yes.

Q. And you have a membership in Wayne County?

A. Yes, we have members in Wayne County.

Q. That is right, and in what other counties in Michigan?

A. Well, that would be rather difficult for me to give you without checking our records.

247 Q. Do you have them in Genesee?

A. I imagine so; I couldn't say for a certainty.

*Testimony of Robert H. Keys*

Q. Well, is your principal membership here in Wayne County?

A. I would say yes.

Q. And in Oakland County?

A. Yes, in the Metropolitan Area.

Q. In the Industrial Metropolitan Area?

A. Yes, mainly.

Q. You also have membership in other states, do you not?

A. Yes.

Q. What states, for instance?

A. Well, Ohio, Illinois, Indiana, and Alabama, California. There are 17 states all told.

Q. Seventeen states all told?

A. Yes.

Q. Has the Foreman's Association of America today any contracts in existence excepting the two that you mentioned, the Ford Motor Car Company and the United Stove Company?

A. No.

Q. How many members, approximately, does the United Stove Company have?

A. Members?

Q. How many employees, rather, does the United  
248 Stove Company have?

A. At the present time, they have, I think, around  
300.

Q. And how many foremen?

A. At the present time, they have around ten or eleven.

Q. Now, when you were giving us a list of the — as I assume you intended to do in your prior showing in this particular case — do you recall the mention of the strikes that had occurred at Ford's, since the FAA obtained its contract?

A. Yes. I talked about them.

Q. Do you recall how many you mentioned?

A. Two that we considered as strikes and one we didn't consider as a strike.

Q. That is my recollection also, Mr. Keys. You enumerated three, one of which you questioned as to whether or not it was really a strike.



*Testimony of Robert H. Keys*

A. That is right, they didn't leave the building or anything like that.

Q. Although you do admit that the Press so considered it and reported it in the Press as a strike?

A. That is true.

Q. Could you give me the dates of those, Mr. Keys, or could you refresh your recollection?

A. I discussed one strike on October 16, 1944; one on November 16, 1944 —

249 Q. (Interposing) Just a minute, now. Not so fast, please.

A. November 16, 1944, and the incident we didn't consider a strike. I didn't know the date and assumed it was somewhere in the latter part of July.

Q. Of 1944?

A. Of 1944.

Q. As a matter of fact, on June 21, 1943, did you not have a foreman's strike?

A. Yes, I told you about that one, but we are talking about strikes after the contract now; not prior to the contract.

Q. In June, 1943, the foremen were engaged in organizing, were they not?

A. Yes, and there was a strike that I described but that was prior to the contract.

Q. I am not disputing you there, Mr. Keys. Your contract date was what, Mr. Keys?

A. May 9th, 1944.

Q. Your contract date was May 9, 1944?

A. That is right.

Q. You would have some sort — you did have some sort of agreement, though, with them antedating that, did you not?

A. Yes, November 5, 1942, the Wage and Classification Agreement.

250 Q. You had a Wage and Classification agreement with them?

A. That is right.

Q. And you had strikes during 1943, did you not?

A. Yes, the strikes I mentioned in my testimony.

*Testimony of Robert H. Keys*

Q. You had one on June 21, involving 2700 foremen, did you not?

A. (No response.)

Q. You do not remember that one?

A. I don't remember having stipulated the number, but I can tell you very shortly.

Q. I am not especially interested in the number. If you do not recall the number, you do recall the event, do you?

A. You are talking about June 21, 1943?

Q. That is right.

A. Yes, I stated that about 2,000 walked out.

Q. Do you recall that there was a strike on June 26, 1943?

A. No, I do not.

Q. And that the Free Press, on that date, reported a strike at the Ford Plant or the foremen?

A. No, I do not.

Q. Do you recall any strike — and I wish you would answer the question whether or not you used the term "work stoppages" or "strike" — on October, rather, on August 6, 1943?

251 A. I did not describe any incident as a strike on that date.

Q. I know you did not. I am asking you if you now recall it?

A. That is probably the one I couldn't recall the date of it, in the Pressed Steel Building.

Q. In the Pressed Steel Building?

A. Yes.

Q. Do you recall one on December 3rd, 1943?

A. No.

Q. That is one you do not recall?

A. December 3, 1943?

Q. That is right.

A. No, I do not.

Q. Do you recall one on December 6, 1943?

Mr. Nelson: Where? At Ford's?

The Witness: I presume you are talking about the Ford Motor Company?

Mr. Donovan: That is right. I think the witness so understands.

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The Witness: Will you give me that date again?

Q. (By Mr. Donovan) December 6, 1943.

A. December 6, 1943? No, I do not recall any.

Q. Do you recall one as of February 25 and 26, 1944?

A. February 25th and 26th?

252 Q. Yes, of 1944.

A. Of 1944?

Q. That is right, involving 600 foremen.

A. No, I don't recall it.

Q. You do not recall that one?

A. No.

Q. You do recall one as of December 21 and 22 of 1943, though, do you not?

A. I testified that there was a strike on June 19th of 800 foremen walking out and a mass meeting was held on June 22nd; that they went back to work on June 23rd and on June 24th they walked out again. To the best of my recollection, and according to our records, those are the facts.

Q. The last date I asked you about was December 22nd and December 21, 1943.

A. And I said I do not recall it. Oh, I stated in my testimony there was a strike on December 21 at the Bomber Plant.

Q. That was my recollection, Mr. Keys. Now, you do recall that strike?

A. Yes, I do.

Q. Mr. Keys, have you ever read the publication of the United States Department of Labor Division of Labor Standards, Bulletin Number 66, issued in 1944, entitled, "The Foreman's Guide to Labor Relations"?

253 A. No, I never have. I had a copy of it mailed to me and I intended to read it, but I never have yet.

Q. Do you recall the pamphlet I hold in my hand, as such?

A. It looks like it, yes.

Q. Have you read that pamphlet?

A. No, I haven't.

Q. I wish you would tell me whether or not you will agree with certain statements made with reference to fore-

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men in this bulletin of the United States Department of Labor. Among other things, it stated in this bulletin as follows, under the heading of "Foremen's Responsibility" on page 3:

"The foreman is the operating executive of Management."

Do you agree or disagree with that statement of the Bureau?

A. I disagree with it.

Q. It is also stated on that page that:

"You are the initial contact for workers and shop stewards."

Do you agree or disagree with that?

A. I disagree with it, to the extent that it is provided in the contracts for that to be the initial stage.

Q. Do you agree with this statement:

"The workers' opinion of a company is often formed largely on the basis of the employee's impression created by your statements and actions."

254 Do you agree with that?

A. I would agree with that.

Q. On page 12, the statement is made as follows, under the heading of the "Foreman and the Shop Steward":

"It goes without saying that you" (meaning the foreman) "are the department executive."

Do you or do you not agree with that?

A. I do not agree with it.

Q. You do not agree with it?

A. No; sir.

Q. Do you agree with this statement on page 10:

"It goes without saying that the foreman's primary responsibility is to protect the interests and rights of Management."

A. Would you read that again.

*Testimony of Robert H. Keys*

(Record read by the Reporter as follows:

"It goes without saying that the foreman's primary responsibility is to protect the interests and rights of Management.")

A. Protect the rights and interests of Management? No.

Q. Do you agree with this statement on pages 7 and 8, this is under the heading of the discussion of the National Labor Relations Act in the Foreman's Guide as published by the Department of Labor in its Bulletin Number 60:

255 "This brings us to one of the most important points to be remembered in connection with the National Labor Relations Act. This law was never intended to restrict the foreman's freedom in the exercise of his supervisory responsibilities."

Do you or do you not agree with that?

A. Yes, I would agree with it.

Q. Now, Mr. Keys, you said earlier in the examination, I believe it was this morning, that the only support you received from the CIO—I mean by "you" the Foreman's Association of America—in your strikes and other activities was a moral support. Do you recall that?

A. Yes, I said I knew we had no written or verbal affiliations whatsoever.

Q. And you say you do not receive cooperation from the CIO on the occasions of strikes and other occasions?

A. Well, we receive cooperation to the extent that the humane interest involved is affected. Certainly, they feel sorry for us and give us moral support, I suppose.

Q. You say they worked hard for you?

A. I didn't say they worked for us at all. I didn't say anything like that.

Trial Examiner Jaffee: Would you read a couple of answers back?

(Last two answers read.)

256 Q. (By Mr. Donovan) Mr. Keys, during your organizational efforts in 1943, the Michigan State CIO Council issued a very effective bulletin on behalf of the Foreman's Association.



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A. Not for us. They passed it around and mailed me a copy.

Q. And among other things, it calls the public's attention by resolution to the claims of discrimination by the foremen, did it not?

A. It did.

Q. And it said that this Convention of the Michigan CIO State Council can go off record to assist them in their fight to obtain bargaining rights and other rights established by the Wagner Act, did it not?

A. It did.

Q. It further indicated that copies of that resolution of the CIO had been sent to R. J. Thomas and Philip Murray and the Foreman's Association of America?

A. It did.

Q. And you recall, likewise, do you not—and to refresh your recollection, do you recall the former witness McNally, who testified and was examined by you in the War Labor Board case?

A. Yes, I recall Mr. McNally.

Q. And he testified as to the distribution of a circular by the CIO at Murray's on behalf of the activities  
257 of the Foreman's Association of America?

A. I don't recall his testimony but if you say he said it, why, you must have taken it from the record.

Q. Do you recall that there was a bulletin issued which Mr. McNally recognized and admitted was the CIO dodger in question issued on behalf of the Foreman's Association?

A. No, I don't recall it. I know there was some discussion about a bulletin having been distributed by someone and there was some discussion about who printed it.

Q. You do not recall the witness McNally being shown this pamphlet in question, which was marked Exhibit 32 in that case?

A. Yes, I recall that.

Q. And it was shown to him and it was read into the record?

A. I recall it was shown to him. I can't recall his testimony.

*Testimony of Robert H. Keys*

Q. You do not recall anything about the contents of that CIO publication on behalf of the Foreman's Association now?

A. I think it was something about supporting the foremen in their fight for recognition for collective bargaining, something like that. I recall that much of it.

Q. And it was addressed to the Murray-Ecorse foremen, was it not?

A. I believe it was.

258 Q. And it said to them, in effect, "You know we won't let you down and we pledge that we will not let you down in disputes you may have in the future" or words to that effect?

A. Well, if you would let me read it, Mr. Donovan, then I could answer your questions yes or no. I don't recall the contents of it.

Q. All right, here it is, Mr. Keys. Do you recall it now?

A. Yes, I recall it now.

Q. Do you recall now the CIO statement in your behalf that the history of unionism—I am quoting here:

"The history of unionism at the Ecorse plant of the Murray Corporation of America is such that it has been one of the most outstanding in mass production industries. Many of the men who made possible the outstanding record at the Murray Ecorse plant have since left and are employed elsewhere. And in their place other persons have come in. We have every reason to believe that these newer employees will perpetuate the traditions which their earlier fellow unionists established. The unity which has existed at the Murray Ecorse plant existed because these employees were willing to sacrifice themselves in order to help their fellow unionists.

259 "Now the time has arrived when the long standing record of unionism at the Murray Ecorse plant is being seriously tested. The Murray Corporation of America is and has been attempting by all means to destroy the union which your foremen have created. Are You as a Union Person Going to Permit the De-

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struction of Your Foremen's Union! With your cooperation your foremen will succeed in their struggle for contract rights such as you enjoy. You will be enticed and pressured by the Murray Corporation to weaken the position of the foremen's union. Will You as a Union Person Be Tempted?

"Labor unions up until the formation of the Foreman's Association of America have always had the threat of foremen who would employ scabs demanded when to do so by management in order to weaken the position of a labor union. Since the founding of the Foreman's Association of America labor no longer need worry of foremen who are members of the Foreman's Association of America placing scabs in the jobs of workers who are idle because of a labor dispute."

You now recall this, do you not?

260 Q. (By Mr. Donovan): Do you now recall this circular?

A. I recall the circular having been introduced at the War Labor Board hearing but I do not recall what the testimony about it was.

Q. Do you know whether or not the CIO in writing this language that I now quote,—do you know what it meant, whether it was referring to the dispute between the foremen and management or not? Just give me your own understanding of it. (Reading):

"We, the Murray Ecorse foremen, know you won't let us down, and pledge that we will not let you down in disputes which you may have in the future."

Did that refer, in your opinion, to your disputes between the foremen and management?

A. First, I do not know whether the CIO published it or not, I do not know who published it, and second, I have no way of knowing what they were thinking and what they intended when they wrote it.

Q. Then you say you do not know what it means?

A. I don't know what it means.

Q. You were having disputes with management, weren't you?

*Testimony of Robert H. Keys*

A. Not I, the Foreman's Association of America was having disputes, yes.

Q. You were asking for recognition of collective bargaining and you were having disputes with companies about refusal to bargain collectively with the foremen?

261

A. That is true.

Q. And you were engaged in strengthening your organization and perfecting it, at or around this time, were you not?

A. At all times, yes.

Q. And you are still engaged in those efforts, are you not?

A. That is true.

Mr. Donovan: May we have a recess?

Trial Examiner Jaffee: All right, we will have a ten-minute recess. Gentlemen, please come back on time.

(At this point a short recess was taken.)

Trial Examiner Jaffee: We will be in order, gentlemen.

Q. (By Mr. Donovan): Mr. Keys, do you recall the fact that in Chicago at the Dodge plant, they had a so-called—perhaps I should not say so-called—they had a CIO paper called the “Dodge Victory News”?

A. No, I do not.

Q. It is a publication?

A. No, I do not.

Q. And that Mr. Thomas at or around March 24, 1944 issued a statement in large bracket type in that CIO organ with reference to foremen entitled “Flash! Foremen Organize”?

A. I have read similar articles in various publications, but I do not know what the names of them are, off-hand.

262 Q. I show you a copy of this article of Mr. Thomas and ask you to refresh your recollection. Will you look at it and recall whether or not this was introduced as an exhibit in the foremen's panel case and read into the record? Will you read it and see if you can refresh your recollection on it?

A. It sounds familiar but I do not recall where I heard

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it or read it. It could have been at the War Labor Board proceeding.

Q. You do not recall the Chrysler counsel introducing this statement in evidence and reading it into the record?

A. I recall that he did read a statement.

Q. And do you recall that it was a statement of R. J. Thomas with reference to the organization of the foremen?

A. It seems to me it was. I am not definite on it. It seems to me that it was.

Trial Examiner Jaffee: You are not sure, Mr. Keys, whether the clipping just shown you was the one?

The Witness: No, I am not positive.

Q. (By Mr. Donovan): Do you recall whether or not Mr. Thomas publicly welcomed the organization of the Foreman's Association of America?

A. I do not know whether he did or not.

Q. You do not recall this article having been read into the record in the foremen's panel case?

263 A. I recall an article that was read and that one you have just shown me sounds familiar when I read it but I could not say definitely that I am positive that that is it.

Q. Do you recall the language in this article as follows:

"Welcome, Foreman's Association - of America!  
For the benefit of foremen who have not got the inside dope here it is—"

Trial Examiner Jaffee (Interposing): You have shown it to the witness and he has said that he does not recall definitely that that is the one. What, therefore, is to be gained by reading from it and asking about the facts contained therein?

Mr. Donovan: He seems to have a fair recollection of it. Enough so that if I asked him whether he recalls these statements as made by Mr. Thomas, President of the UAW-CIO—he ought to be able to definitely affirm or deny them.

Mr. Nelson: The trouble with it is that at the most we have only a press report. That evades getting anybody that knows what was said. I object to it because it is pure hearsay. Mr. Keys and the Association are obviously in



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nowise responsible for any printing that Mr. Thomas or any other officer of organized labor may have of the Foreman organization. It is of interest to us but I  
264 do not see how, Mr. Examiner, we can be bound by it.

Trial Examiner Jaffee: I think Mr. Donovan has another purpose in mind.

Mr. Donovan: Am I permitted to finish the question I wish to ask him?

Trial Examiner Jaffee: Finish the question.

Q. (By Mr. Donovan): (Reading):.

● "Welcome, Foreman's Association of America! For the benefit of the foremen who haven't got the inside dope, here it is. The first general get-together of this International Association will be held at 2 P. M. Sunday, March 26, 1944, at Nielsen's—78000 South Western Avenue. Liquid refreshments will be served and there will also be a delicious Smorgashbord. On the program for that meeting is the signing of the charter, acceptance of new members, a short talk by an International representative of the Foreman's Association on foremen's problems in Chrysler plants and arranging of a social program for the spring season. There will be over 200 foremen and general foremen in attendance and any foreman who is interested is invited to attend. The initiation fees and dues are the same as our own UAW-CIO—\$2.00 initiation fee and \$1.00 per month dues."

265 We, of the UAW-CIO, watch the organizing of this group with interest, as we know if the foremen are organized they will be better equipped to understand our problems and the principles and facts of grievance procedure through Union negotiation."

You do not recall that information or that testimony having been read into the record in the foremen's panel case, Mr. Keys, or do you?

A. Without going over the transcript I could not say. I do not recall it but I do recall a pamphlet was read or a bulletin or something like it, I do not recall.

Q. If I told you that that was introduced as a page

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from the CIO Dodge Victory News, the issue of March 24, 1944 in Chicago, the Dodge Chicago plant; would that assist your recollection any?

Mr. Nelson: My objection to that question, Mr. Examiner, is that it would not make any difference. He cannot establish a document by showing that it was introduced in evidence in some other proceeding before some other tribunal. He is bound now by what the witness answers. By all the rules of evidence and what is fair he is bound by the witness' answers. The witness has already answered that he does not know as to the authenticity of it.

Trial Examiner Jaffee: The immediate question is whether or not the witness recollects or is refreshed  
266 by counsel's statement. He may answer as to that.

Mr. Nelson: Suppose it was, Mr. Examiner, at most he would show it was offered in some other proceeding.

Trial Examiner Jaffee: I understand.

Mr. Nelson: That would not qualify it in this proceeding.

Trial Examiner Jaffee: We can ~~only~~ go one step at a time. Would it refresh your recollection?

The Witness: No.

Q. (By Mr. Donovan): You do not know whether or not R. J. Thomas, President of the UAW-CIO, ever encouraged or cooperated with the Foreman's Association of America in its organizational efforts?

A. No.

Q. Did you ever talk to Mr. Thomas?

A. Yes, many times.

Q. About the Foreman's Association of America?

A. Yes.

Q. Did you ever talk to anybody else connected with the CIO—the high officials in the CIO about the Foreman's Association of America?

A. Yes.

Q. And you never received any assurances of welcome and cooperation such as that contained in this article. I read you and which you say you do not remember?

267 A. All I ever received is that they thought our movements were right in principle and that we would have their moral support, that is all.

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Q. And that is the extent of your cooperation from the CIO, as I believe you said this morning?

A. To my knowledge, yes.

Q. Well, you would be pretty apt to know about that as president of the Foreman's Association of America, wouldn't you?

A. I would, yes.

Q. You recognize the CIO as a powerful, strong union, do you not, Mr. Keys?

A. I do.

Q. As a matter of fact, they hold the production contract in practically all the industries and companies in Detroit in which the Foreman's Association of America have sought to enter an organization, isn't that right?

A. That is right.

Q. Isn't it true that a great many of the foremen in your Association have come up through the CIO ranks and file of production workers?

A. That is right.

Q. In this area?

A. That is true.

Q. And have had experience with CIO Union methods?

268 A. That is true.

Q. Now, in the summer of 1943, didn't you go down to Cleveland to confer with CIO high officials?

A. I did.

Q. And that included R. J. Thomas, did it not?

A. It did.

Q. And Mr. Phillip Murray?

A. It did.

Q. And you discussed Foreman Association of America affairs with those gentlemen at that time, did you not?

A. I did.

Q. At the Hotel Statler?

A. Right.

Q. And you still say you received no assurances of cooperation or encouragement?

A. Only their moral support.

Q. Wasn't it shortly after that that the CIO announced, within your knowledge, that they would—if anyone started

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fussing around with any organization—started fussing around or interfering with the Foreman's Association of America that the CIO would take them over?

A. I never heard such a statement and I never read such a statement.

Q. You never heard that?

269 A. I was told by people whom you have mentioned in Cleveland that if we had any strikes and put up a picket line they would cross them and not pay any attention to them. That is the kind of support we got. If that is what you want to know.

Q. Wasn't it a short time after that meeting also that the CIO announced that they would not permit any CIO rank and file member to be made a foreman during the strike of the Foreman's Association or while such strike was in progress?

A. I read such a statement in the newspapers in this town, yes.

Q. And the only information you got from the CIO on its cooperation with the Foreman's Association of America was from the newspapers, is that right?

A. The only cooperation we got?

Q. The only knowledge you had of the CIO on cooperation with the Foreman's Association of America was what you read in the newspapers, is that right?

A. That is right.

Q. And you do not know very much about their cooperation in the April and May strikes of the Foreman's Association of America here, do you?

A. Not unless you describe the cooperation. I do not know what you have reference to.

270 Q. Well, I want to ask you a little more about that shortly. As a matter of fact, Mr. Keys, do you recall that you had a War Labor Board hearing January 6, 1944? That is, I mean by "you" the Foreman's Association of America.

A. In Washington?

Q. Yes.

A. I recall that.

Q. And do you recall that from January 13th to the 21st

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you had a series of strikes by the Foreman's Association of America at the Chrysler plants?

A. I recall the series of strikes. I am not positive of the dates.

Q. And do you recall during the hearing of the Foreman's case before the War Labor Board panel of reminding Mr. Iserman, the Chrysler counsel,—I think I can quote your words exactly: "Don't forget, Mr. Iserman, that we had eight more plants go out of Chrysler plant—of foremen in Chrysler plant." Then Mr. Iserman said, "Yes, are you proud of it?" and you said, "No." Do you recall that?

A. No.

Q. You don't remember that testimony?

A. No. Where did that testimony take place? I never testified before the Board. Mr. Nelson testified.

Q. Now, you were sitting in the chair here that  
271 corresponds to the chair that the Board counsel occupies and Mr. Iserman was addressing the War Labor Board panel and you interrupted him with the interjection, "Don't forget, Mr. Iserman, we had eight other Chrysler plants out," meaning the Foreman's Association of America, and Mr. Iserman said, "Yes, that is right, are you proud of it?" And you said, "No." You do not recall that at all?

A. Is that in the record?

Q. For your information it is in the record, Mr. Keys.

A. I do not recall the statement. If it is in the record I said it.

Q. If it was shown to you you would not deny it, would you?

A. I would not deny it if it is in the record, no.

Q. Now, as a matter of fact, when the foremen staged a strike—take for instance the series of strikes that took place in the Briggs, Hudson, Packard, Gar Wood, and Aeronautical Products and the strikes that were mentioned in the War Labor Board hearing here,—as a matter of fact, it was quite helpful to the objective of the Foreman's Association of America, was it not, during those strikes, to have the CIO refuse to allow a CIO rank and file mem-



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ber to be made a foreman? Wasn't that an advantage to the Foreman's Association of America who were on strike?

A. Yes, I would say it would be.

272 Q. It would tend to keep more foremen from functioning for the Company, would it not?

A. Well,

Mr. Nelson: May I hear the question, please?

The Witness: I did not quite get the question. I am sorry.

Trial Examiner Jaffee: Read the question.

(Question read.)

Q. (By Mr. Donovan): For the Company in the strike?

A. You are referring to the rank and file workers refusing to take foremen's jobs?

Q. Not permitted to by the CIO?

A. Naturally it would.

Q. There were a lot of your foremen out on strike in the plants I mentioned in April and May?

A. Yes, a lot of them.

Q. And there was a need, naturally, on the part of management; for foremen at that time, was there not?

A. I imagine there was. They have them on the job the rest of the time.

Q. And if you could get the rest or enough of the foremen out of one of those plants you could eventually close the plant, as far operation was concerned, isn't that right?

A. That is true.

273 Q. As a matter of fact, you did close some of them, didn't you?

A. We did.

Q. And among others you closed the Milwaukee plant of the Briggs Manufacturing Company, did you not?

A. I believe so. I do not recall whether that was one shut down or not.

Q. Do you recall what the Milwaukee plant of the Briggs Manufacturing Company was making at that time?

A. No, I do not, but it was war material of some kind, I believe.

Q. You do not recall the fact that they were making a plane that the Navy was in urgent need of at that time?

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A. No, I do not.

Q. You do not recall having told one of the Briggs Manufacturing Company superintendents that that was a hot plant and that you were going to close it down to get the attention of the War Labor Board?

A. I do not recall it, I never said it.

Q. As a matter of fact, your action — the action of the Foreman's Association of America in those April and May strikes, did get the attention of the War Labor Board, did they not?

A. Eventually. Several months after the men were back at work.

274 Q. Well, on May 8, 1944 there was a decision of the National War Labor Board in the Soss case which gave the Foreman's Association of America some encouragement, you remember that?

A. I remember the decision. I went down and argued the case and we felt it was a right decision for the Board to make. That is one of the reasons we had this petition filed at present time.

Q. On May 18, 1944, following your strike — by the way, when did those strikes end which we have been talking about last spring in Detroit?

A. If you want dates I will give them to you.

Q. Well, it was at or around the first week in May, wasn't it?

A. May 17th, 18th and 19th that most of them terminated in those cases.

Q. May 18th, 1944 the National War Labor Board passed a resolution appointing a special panel to consider the foremen's situation, did they not?

A. You have reference to the resolution based on the Jesse Friedin opinion?

Q. I have reference to what I said. The resolution of the War Labor Board appointing a special panel, to consider the problems and the situation of the Foreman's Association of America?

275 A. Yes, they adopted a resolution based on the Chrysler strike of a previous date and not the strikes you have reference to.

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Q. As a matter of fact, such a panel was appointed and came to Detroit and held extended hearings?

A. That is right.

Q. At which you presented the case for the Foreman's Association of America?

A. That is right.

Q. So you did succeed in getting the attention of the governmental agency in question, Mr. Keys, did you not?

A. Yes, they took jurisdiction. Under the War Labor Board Dispute Act they had no alternative. That is what they were established for.

Q. One of the reasons you stated those strikes was to compel some act by the War Labor Board to further your organizational efforts?

A. No.

Q. And your Union objectives?

A. Our Union objectives, yes.

Q. And they were collective bargaining and recognition?

A. Recognition and collective bargaining and grievance machinery, which, of course, goes with it.

Q. And you had hoped to obtain among other things your objectives, in staging these strikes — and that  
276 is to obtain a certain degree of publicity, has it not?

A. No, sir.

Q. For the furtherance of your Union objectives?

A. No, sir. I wish we hadn't had a lot of publicity.

Mr. Donovan: Will you mark that as Company's Exhibit 2?

(Thereupon the document above referred to was marked Board's Exhibit No. 2 for identification.)

Q. (By Mr. Donovan): Did you in July, 1944 have a publication of the Foreman's Association of America known as "The Supervisor"?

A. Yes, we have had that since we established our organization.

Q. Did you from time to time contribute articles in that publication?

A. I did.

Q. Didn't you have an article in Volume III, No. 5 of July, 1944 which contained the following statement, and

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I quote: "The truth will out," by Robert H. Keys? This article is under the heading "The Voice of Organized Foremen."

I am now quoting from your article:

"When thousands of the members of our Association walked off the job recently in some plants in this area, we organized foremen received nationwide  
277 publicity."

Did you make that statement?

A. Yes, and we did receive it.

Q. And it inured to the benefit of your Union objectives, didn't it?

A. No, I do not think so.

Q. Then why were bragging about the publicity in this connection?

Trial Examiner Jaffee: Just a minute. He did not say that he was bragging about it.

Q. (By Mr. Donovan): Why did you state that?

A. I made a statement of fact. Mr. Donovan, I am used to making statements of fact.

Q. And you did it with no idea that the closing of the plants making Navy planes would have anything to do with your ability to attract the War Labor Board's attention for some action in favor of foremen?

A. That was a very long question and I did not follow it. Would you read it back to me, please, Mr. Reporter?

Trial Examiner Jaffee: Read the question, please.

(Question read.)

The Witness: We were not attempting to attract the War Labor Board's attention. The answer is no.

Q. (By Mr. Donovan): You were not trying to attract the attention of the War Labor Board?

278 A. No, the strike was not.

Q. As a matter of fact, wasn't it these strikes that did attract the attention of the War Labor Board and give you concessions which resulted in your calling the strike off?

A. Mr. Donovan, I cannot speak for the Board. I suggest you ask them.

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Q. Did they ever ask you to call these strikes off?

A. Yes, they asked us to call them off.

Q. And you did that?

A. We did.

Q. Under what conditions?

A. To go back to work and that they would consider the situation.

Q. They would consider the situation? After that they appointed a panel, didn't they?

A. Yes, after that they did.

Q. And you had a hearing lasting some two months or better before the panel?

A. That is right.

Q. And that panel is still considering the situation of the Foreman's Association of America and its membership?

A. I presume it is. I never heard anything from it.

Q. You know that that is the case and that it has not been decided and that no report of recommendations  
279 has been issued as yet, don't you, Mr. Keys?

A. I have no knowledge of it if it has.

Q. Don't you want to make the fair statement, which we all know, that it is still pending and undecided?

A. I presume it is but I have never heard a word since the closing of the case.

Q. Then, so far as you know it is still pending and undecided?

A. Yes, so far as I know it is still pending and undecided.

Q. Didn't you, shortly after this trip of yours to Washington, announce that you had gained what you had gained by the strikes and your actions in staging them? Among other things that you had obtained the appointment of this War Labor Board Panel and the contract at Ford's and the right to present grievancees to the National Labor Relations Board? Did you ever make any statement like that?

A. The contract was not the result of those strikes. I wouldn't make such a statement about that contract. I may have made the statement that we had a contract, and I do



*Testimony of Robert H. Keys*

not deny that I made the statement that we had made some gains as an organization. We have made gains. We would certainly be a very poor organization if we didn't.

280 Q. Mr. Keys, going back to this pamphlet which I questioned you about a few minutes ago and which Mr. McNally, one of your former witnesses, identified at the War Labor Board Panel hearing, I wish to refresh your recollection now a little further by some questions and answers wherein Mr. McNally was being questioned, and see if you can now give us a better recollection than you were able to before. This pamphlet that you were shown and which you read had been marked in that proceeding as Murray Exhibit No. 32, and these questions were asked of Foreman McNally:

"Q. I will show you a photostat copy of pamphlet marked Murray Exhibit No. 32, and ask you if you have ever seen a pamphlet of that kind before?"

"A. I think I have.

"Q. And wasn't that pamphlet handed out by members of the Foreman's Association to production workers of the Murray Corporation, at the Ecorse plant, during that strike, around July 6th or 7th, 1943?"

"A. If I remember correctly, that was handed out not only by foremen; it was handed out by workers, too.

"Q. It was handed out by workers, too?"

"A. I believe it was.

"Q. In other words, the foremen of the Murray plant handed it out and production workers handed it out?"

"A. I believe that's the way it was.

281 "Q. And when we are talking about production workers, we are talking about Local 2, UAW-CIO production workers, are we not?"

Do you recall any of that testimony, Mr. Keys, with respect to this Dodger or pamphlet now?

A. Yes, I think I do. If you are reading from the record, that must be the testimony, and I heard it, because I was there,

*Testimony of Robert H. Keys*

Q. I am reading from the reporter's record of the Panel hearing of June 28, 1944.

A. Yes.

Q. Now, Mr. Keys, does the Foreman's Association of America accept into membership a rank and file production worker?

A. No.

Q. Why not?

A. Because he is not a supervisory employee.

Q. And you regard that there is something like a gap between a rank and file production worker and a supervisory employee?

A. No, not a gap.

Q. Well, they are not eligible for membership in your Association, are they?

A. No; neither are we eligible for membership in theirs.

Q. I did not ask you whether you were eligible for membership in theirs. At any rate, you are not taking them in as members?

A. No, because we do not regard them as supervisory employees.

Q. One of the reasons would be that they have entirely different responsibilities than the foremen do, is that not correct?

A. To a great extent, yes.

Q. Now, Mr. Keys, again on his matter of cooperation with the Foreman's Association by the CIO, you know that—well, take the Briggs plant for one. I refer now to the time of the April and May strikes. You recall those strikes, do you not?

A. Yes.

Q. Do you recall while the foremen were on strike that the rank and file CIO production employees booted foremen who did not go out?

A. I read it in the newspapers.

Q. And they booted the superintendents?

A. I read it in the newspapers.

Q. And that stock and material was hid so as to impede the work of the foremen still remaining in the plant?

A. I didn't read that and I didn't hear it. It is news to me.

*Testimony of Robert H. Keys*

Q. You did not hear that testimony before the War Labor Board Panel?

A. I don't recall it about the stock and material.

Q. You would not dispute it if the record were shown to you, however?

A. I would not.

Q. Do you recall that the rank and file production workers in the Briggs plant—and I now refer to the Mack plant—created such a general pandemonium and disorder, pounding on benches, and what-not, that operations had to be suspended by the Navy Department in that plant?

A. Yes, I recall something of that nature.

Q. And that they even booed the army and navy officers who came to the plant in the performance of their duties?

A. No, I don't recall that.

Trial Examiner Jaffee: When you say recall something, do you mean that you recall the testimony or the fact?

A. I recall the fact where I heard it, read it or it was testified to. The way he is asking the questions, Mr. Examiner, he is not ~~confining~~ me to the testimony.

Q. Well, do you believe it happened?

The Witness: I don't know.

Mr. Nelson: Mr. Examiner, I made this objection before.

I do not think this is the proper way to show the facts that Mr. Donovan wants to show. He asks the witness if he remembers this testimony taken before the War Labor Board. I said before, what difference does it make if he remembers the testimony as given. It does not establish a fact at all.

Trial Examiner Jaffee: Yes, I agree, unless it is the present witness' testimony.

Mr. Nelson: He has never yet said he knew the fact. He has only said he heard it. That cannot establish the fact. It is only the narration of this witness about what somebody else said.

Trial Examiner Jaffee: Yes, I understand.

Mr. Nelson: I want to be as liberal as the rules permit but certainly no rules would permit a fact to be established in that manner.

*Testimony of Robert H. Keys*

Trial Examiner Jaffee: Insofar as your present objection applies to whether or not the witness believes it to be a fact, I will sustain the objection.

Q. (By Mr. Donovan): Now, Mr. Keys, on the strikes that took place in April and May, during that time you were president of the Foreman's Association of America?

A. I was.

Q. And you got reports every day of what was going on?

A. I did.

Q. You met with the presidents and officers of the  
285 Foreman's Association Chapters throughout the Detroit metropolitan area during those strikes, did you not?

A. At the National office, yes.

Q. You were frequently conferred with by officers and members of local chapters, were you not?

A. The officers, yes; not so much the members.

Q. Yes, and you were in pretty close touch with what was going on during those strikes, were you not?

A. That's right.

Q. You knew what plants had been closed and when, did you not?

A. I did.

Q. And why?

A. And why what?

Q. And why they were closed?

A. They were closed for lack of supervision.

Q. That was your objective, was it not, to close those plants because of lack of supervision? And by lack of supervision?

A. No.

Q. You did not mean to close any of the plants?

A. We didn't think they would close.

Q. Well, you were hoping you could do it?

A. No. Management always maintained when supervision was out production was maintained at the  
286 same level, and we took their word for it.

Q. As a matter of fact, the Briggs plant did maintain its plant at the same level while you were out on strike?

*Testimony of Robert H. Keys*

A. I believe so.

Q. And that is why you went to work and intimidated some of those—

A. (Interposing): We didn't intimidate anybody.

Q. And that is why some of them had to stay in the plant for a week at a time, because they were afraid to go home?

A. I don't know why they didn't go home.

Q. And some of them had to move their families out of town?

A. I don't know.

Q. You do not know anything about those things?

A. You said—

Q. (Interposing): Now, all you have to say is yes or no?

A. No, I don't.

Mr. Nelson: You know he does not know.

Mr. Donovan: Do you object to him saying no?

Mr. Nelson: I object to your standing here for purely publicity purposes, as you hope, asking this witness questions which you know he cannot answer as to the facts.

I have been very patient because the Trial Examiner  
287 has ruled on this. But I make that objection again,

Mr. Examiner, because Mr. Donovan has gone far enough for you to see that he has no proper purpose in going over it this way. He knows this man was not present at the Briggs' factory and cannot give him any factual answers.

Trial Examiner Jaffee: Very well. There was no pending question.

Q. (By Mr. Donovan): Mr. Keys, you stated a while ago that the Foreman's Association does not throw picket lines?

A. I don't believe I stated that.

Q. Well, do they?

A. Yes.

Q. You mean, some of your former witnesses testified to the contrary before the War Labor Board?

Trial Examiner Jaffee: I will exclude that.

Q. (By Mr. Donovan): So you did use picket lines during these April and May strikes?



*Testimony of Robert H. Keys*

A. They were referred to as picket committees; we never referred to them as picket lines.

Q. And at the Milwaukee plant of the Briggs Company, the CIO production men refused to run the picket line, did they not?

A. I don't know that.

Q. And that closed the plant for Saturday and Sunday, is that right?

288 A. I don't know.

Q. You never heard of that? You do know the plant was closed?

A. I heard it.

Q. What other plants did you hear were closed?

A. Packard Motor.

Q. Any others?

A. No, that's all I recall.

289 Q. Did you discuss those matters with the War Labor Board personnel when you went to Washington?

A. I do not—

Mr. Nelson: (Interposing) I do not see what relevancy that would have. I was there, he was there, and twenty other men were there, but what we said to the War Labor Board, I do not see what relevancy it would have here.

Trial Examiner Jaffee: You may finish your answer.

The Witness: I started to say that I do not know which appearance before the Board you have reference to.

Q. (By Mr. Donovan) Were you not down in Washington in the Spring of 1944 at or around the time of these strikes?

A. Yes, following—the strikes were called off from Washington by long distance telephone.

Q. As a result of your visit down there, is that right?

A. That is right.

Q. And the reason you went down there is because war production had stopped in Detroit?

A. The reason we went down there is because the War Labor Board sent for us.

Q. Well, that is the reason they got you down there, is it not?

*Testimony of Robert H. Keys*

A. I don't know; I never asked them.

Q. As far as you know; you were just summoned down there to talk to them?

290 A. I can tell you what they said to us after we got there.

Q. What is the policy of the Foreman's Association of America with respect to running the picket line of another union?

A. We have never let anybody's picket line keep our members out of a plant. Our foremen always go in and do their jobs to the best of their ability—our members, I should say.

Q. So the Foreman's Association of America would run a CIO picket line any time?

A. If the Association wasn't in a dispute and it wasn't the foreman's dispute, yes.

Q. You would run it?

A. They would go in and go on their jobs, if that is what you mean.

Q. Have you any assurance, on the other hand, that the CIO would run picket lines of the Foreman's Association of America?

A. As I said before, I was told that they would cross our picket line, any picket line of the foremen.

Q. Is that the way you think the matter rests at the present time?

A. Yes.

Q. Do you feel that you can control strikes better than the CIO has controlled them—strikes of your members?

291 Mr. Nelson: I do not think that is a proper question at all. How about your controlling them, Mr. Donovan, like you have in the past?

Mr. Donovan: If I had some judges who aren't afraid of the cars, I could.

Mr. Nelson: If you could use the cars of the judges to crush workers, of course, you would keep on doing it.

Trial Examiner Jaffee: Objection sustained.

Q. (By Mr. Donovan) Did you give any notice under the War Labor Disputes Act and again under the Michigan

*Testimony of Robert H. Keys*

State Statute requiring notice of strikes preceding these April and May strikes of foremen in the Detroit area?

A. No, we didn't know the strikes were going to happen.

Q. What obligations, in general, does a member assume when he becomes a member of the Foreman's Association of America?

A. What obligation to the Association?

Q. Yes.

A. He pays his dues, attends his meetings, lives up to the Constitution; he should believe in the principles of unionism, and to fight for it.

Q. And he is supposed to attend meetings regularly?

A. He is supposed to, yes.

Q. How regularly do the members of your chapter meet?

A. The Constitution provides that the chapters should meet once a month.

292 Q. Actually, they meet oftener, do they not, than that?

A. They may, and some do.

Q. They did during the strikes in April and May, did they not?

A. Yes, they met every day.

Q. Speaking generally, now, is your Association bound by the action of the majority of the members.

A. No.

Q. If you have a strike and that appears to be the desire or vote of the majority, he is not obliged to join the strike?

A. No, he is not obliged to join the strike.

Q. No pressure or compunction of any kind is put on him?

A. Not from headquarters.

Q. He could stay right in the plant as foreman while the rest of the foremen in that plant went out on strike, as far as your Association is concerned?

A. No.

Q. What machinery is there in your Constitution and your by-laws, if you have any, with reference to strikes? Do you have any provision at all about strikes in your Constitution?

*Testimony of Robert H. Keys*

A: Yes, we establish a provision that the chapter must follow if they intend to strike, and that provision is, it provides for votes to be taken by members, strike  
293 notices to be filed under the Smith-Connally Act and State laws, and so forth.

Q. Will you find in either of these constitutions the portion you are referring to?

Mr. Nelson: This is the latest one, Mr. Donovan (indicating).

Mr. Donovan: Well, I would like to have it located in the one, or in the ones that have been marked in evidence.

The Witness: You knew it isn't in there, Mr. Donovan. When you are talking about our constitution, we are not just talking about a couple of obsolete contracts; we are talking about the present Constitution.

Q. (By Mr. Donovan) Wait a minute. You say no reference was made in your Constitution with reference to strikes?

Trial Examiner Jaffee: He did not say any such thing.

Mr. Donovan: Mr. Trial Examiner, he has some new constitution—

Trial Examiner Jaffee: (Interposing) It is in evidence.

The Witness: It was introduced.

Mr. Donovan: I do not think we need to get so excited about this. There is no provision for strikes in here. I am entitled to have an answer to my question.

Trial Examiner Jaffee: You are not entitled to an answer when you mis-state the fact. If you will look  
294 at Petitioner's Exhibit Number 2, you will find the existing constitution of the Association.

Mr. Donovan: I am entitled to ask questions about other documents than just this one the Trial Examiner has mentioned, and I do wish to ask him a question about Exhibit Number 3 and Exhibit Number 4.

Trial Examiner Jaffee: Will you withdraw your earlier question then?

Mr. Donovan: If the Trial Examiner will tell me what it is, I will.

Trial Examiner Jaffee: I know what it is, Mr. Donovan. Will you withdraw your question?

*Testimony of Robert H. Keys*

Mr. Donovan: Well, if the Examiner does not wish to re-state it, I will ask the Reporter to locate it. I think I am within my rights to ask questions about these exhibits..

Trial Examiner Jaffee: Suppose you ask another question, then.

Mr. Donovan: All right.

Q. (By Mr. Donovan) Will you examine Petitioner's Exhibit Number 4 and tell me if you can find any reference there with reference to strikes of any kind, how they are authorized, anything about them. If you find it, read it.

A. No, I can't find any.

Q. What is the date of that constitution, Mr. Keys?

A. November 2nd, 1941.

295 Q. At that time, did you have any by-laws that had any provision with reference to the manner or method of calling strikes, or anything about them?

A. No.

Q. Did you have any by-laws at all?

A. Only this Constitution.

Q. Well, you know when I say by-laws I do not mean Constitution, do you not?

A. I wanted to be sure I understood you.

Q. Are you clear now that I make a distinction between the two?

A. Yes.

Q. I will ask you the same question with reference to Petitioner's Exhibit 3, which appears to be on the face of it, the Constitution adopted at Dearborn Convention, Michigan, and amended at the Dearborn Convention in 1943.

A. I want to be sure I understand you correctly. You are asking me to find the procedure under which members must operate if they wish to strike?

Q. I want to know if there is any provision in there for the calling of a strike of any kind, how it is called, how it is authorized.

A. No, there is no such provision.

Q. At that time did you have any by-laws which covered it?



*Testimony of Robert H. Keys*

296 A. Let me look again, will you? I think there is something under the Executive Board. Yes, Section 1, Article 15. And this may also be in the same constitution that—

Trial Examiner Jaffee: (Interposing) That covers 1941?

The Witness: Yes, 1941:

“The National Executive Board shall execute the instructions of the Convention and shall be the highest authority of the Association between conventions, subject to the provisions of this Constitution, and shall have the power to authorize strikes, issue charters and punish all subordinate bodies in violation of this constitution.”

Q. (By Mr. Donovan) That was in force as of what date?

A. This one was amended at Dearborn, Michigan, at the 1943 Convention.

Q. Was that the one that was in force during April and May, during the time of the strikes in those months, in 1944?

A. Yes.

Q. And was there any action taken pursuant to that provision prior to the strikes?

A. No.

Q. They occurred anyway?

A. Yes.

Q. And you could not control that?

297 A. We didn't know they were going to happen until the men were out on the streets.

Q. Then you could not control the strikes, is that what you want to say?

A. The men were very angry, they didn't want to go back to work and we tried to persuade them to go back.

Q. And your constitution and by-laws were not followed?

A. The Executive Board had not authorized them.

Q. That is right, and yet you had the strikes anyway?

A. We did.

Q. And you had how many going out at the same time—how many going on in how many different plants?

A. I don't know, seven or eight.

*Testimony of Robert H. Keys*

Q. And they all happened at or around the same time, in April or May of 1944?

A. That's right; we were very fortunate there weren't 45 or 50. We kept them to a minimum.

Q. But you had enough to get the attention of the War Labor Board, even with seven or eight?

A. Oh, yes, the War Labor Board know all the strikes that are going on all over the country.

Q. All of these plants were making war materials, were they not?

A. To the best of my knowledge, yes.

Q. And it would be just a question of the degree of  
298 seriousness, how many plants you struck?

A. We didn't strike any plants.

Q. Well, you had strikes, did you not?

A. Yes.

Q. And those strikes were carried on by members of your Association?

A. They were.

Q. Did the Foreman's Association of America ever lodge a no-strike pledge anywhere at any time?

A. We did not.

Q. You have never taken that action?

A. We did not.

Q. You feel free to strike if you so desire without feeling the pull of a strike not to do so?

A. No one ever asked us for a pledge.

Q. And you never offered one?

A. No.

Mr. Nelson: That goes with recognition, Mr. Donovan.

Mr. Donovan: Mr. Examiner, may we suspend here at this point?

Trial Examiner Jaffee: Very well, we will reconvene tomorrow morning in Judge Moinet's courtroom at nine-thirty.

(Whereupon, at 4:30 o'clock p. m., Tuesday, December 19, 1944, the hearing in the above-entitled matter was adjourned to Wednesday morning, December 20, 1944, at 9:30 o'clock a. m.)

*Testimony of Robert H. Keys*

299 Room 737 Federal Building,  
Detroit, Michigan,  
Wednesday, December 20, 1944.

Pursuant to adjournment, the above-entitled matter came on for hearing at 9:30 A. M.

Before:

Samuel H. Jaffee, Trial Examiner.

301 PROCEEDINGS.

Trial Examiner Jaffee: Gentlemen, the hearing is in order.

ROBERT H. KEYS

resumed the stand, was examined and testified further as follows:

**Cross-Examination** (Continued).

Q. (By Mr. Donovan) Mr. Keys, do you recall yesterday being questioned about testimony given and statements you had made in the hearing before the War Labor Board Panel in which the Foreman's Association of America was present? Do you recall yesterday that you were asked whether or not in a conversation between you and Mr. Iserman at that time you said to Mr. Iserman, "Don't forget, Mr. Iserman, that we had eight more plants go out of Chrysler Plant—our foremen in Chrysler Plant." Then Mr. Iserman said, "Yes, are you proud of it?" And you said, "No." I asked you if you recalled that testimony and that statement and you said, "No." Is that correct?

A. That is right.

Mr. Nelson: Just a minute. Mr. Examiner, I do not see the relevancy or the materiality of this.

Trial Examiner Jaffee: The answer may remain.

Q. (By Mr. Donovan) Are you still unable to recall that statement you made?

302 A. Yes, as I stated yesterday, I could not recall it but if it was in the record I will not deny it.

*Testimony of Robert H. Keys*

Q. And if I now read you the statement you made from the reporter's transcript at the session before the War Labor Board Panel of July 17, 1944, you listen and recall whether or not you recall these questions and these answers and these statements as they are transcribed by the Reporter in the session before the War Labor Board Panel on Monday, July 17? (Reading):

"Mr. Keys: Its significance is the fact that it constitutes a grievance of a foreman.

"Mr. Iserman: Anybody can stay at home nights and write up grievances. I think our problem is to see if they exist. The mere fact that they are written up contributes nothing to this case.

"Mr. Keys: I can only answer, Mr. Iserman, that 1200 of our foremen did not walk out because they were crazy; they have grievances and DeSoto is not the only plant. There were eight others. Do not forget that.

"Mr. Iserman: And you are proud of it?

"Mr. Keys: No, I am not proud of it."

I now ask you, do you recall the statement that I just read?

A. No, I do not recall having made it, but as I said before, if it is in the record, I will not deny that I made it.

303 Q. You do not deny it is a direct statement from your transcript, or rather, from the record of the War Labor Board Panel?

A. I do not know what you are reading, Mr. Donovan. If you will show it to me—

Q. (Interposing) I will be glad to. This is Book 13 of the daily transcript of the hearing of the Foreman's Association of America before the War Labor Board Panel at Detroit, Michigan at the session of July 17, 1944, which reports, by the way, were taken by the same reporter as is taking the present hearing. I believe it is true that you likewise received a daily copy of the transcript, the same as the attorneys for the Company involved, is that true?

A. That is right.

*Testimony of Robert H. Keys*

Q. Do you recognize this as Book 13 of the session of July 17, 1944?

A. Yes, that looks like the official report.

Q. Would you care to look at the page upon which the statement appears that I now read to you? Do you accept that as a statement you made?

A. If it is in the record, I do not deny it. That record consists of several thousand pages and there were many days of testimony and I cannot remember what I said and neither could you.

Q. I am offering it to you to refresh your recollection. You do not dispute now that this is what I read from page 1701 of the transcript of July 17, which is a statement that you did make on that day before the Panel.

A. No, I do not dispute it.

Q. Now, when you said at that time—when you referred to there being eight others, you referred to at that time eight other Chrysler plants, I take it?

A. I presume so, if I was speaking of Chrysler's.

Q. That is right, and you were speaking of Chrysler's. And those eight strikes were distinct and different from the Foreman's Association strikes in May of this year; that is, they were earlier?

A. They were earlier; that is the only difference.

Q. That is right, they were in January, were they not?

A. I believe so, yes.

Q. Yesterday, Mr. Keys, you made the statement with reference to the profits of the Ford Motor Company and stated, in substance, that they had increased since the contract with the Foreman's Association of America, which, I believe, you said was executed at or around May of 1944. Do you recall that statement?

A. No, I said I thought the profits had increased and that I thought I could prove it.

Q. Well, did you not say that naturally there were more profits after the contract of the Foreman's Association of America with the Ford Motor Car Company?

305

A. No, I said naturally there were more profits if



*Testimony of Robert H. Keys*

there was better cooperation between the workers and the foremen and more production and more efficiency.

Q. I show you page 123 of the Reporter's transcript of yesterday's proceedings—

Trial Examiner Jaffee: (Interposing) Would that not be the day before? The first day?

Mr. Donovan: I am sorry; December 18. You are correct.

Q. (By Mr. Donovan, continuing) —and ask you to read the answer you gave, starting at the bottom of page 125.

A. "Well, I think that the benefit that the Company has derived from this contract with the Foreman's Association is that it definitely increased the efficiency and increased the production, and, naturally, there were more profits."

Q. That is right. Now, you do recall making that statement, do you not?

A. I said a moment ago I thought so.

Q. Now, what were the profits of the Ford Motor Company for the quarter just preceding the execution of your contract?

A. I don't know.

Q. What were they for the quarter just following  
306 the execution of your contract?

A. I don't know.

Q. Did you have in mind profits before Federal Income Taxes or after Federal Income Taxes?

A. After. I read in the newspapers that they had a larger surplus of cash on hand than they had ever had in the history of the Company.

Q. Did you understand "surplus" to mean profits?

A. Yes.

Q. And is it in that sense that you made the statement you did?

A. Partially, yes.

Q. Do you know whether or not any amounts were transferred to surplus from profits for either the years 1943 or 1944?

A. No, I don't.

Q. Did you ever see a balance sheet of the Ford Motor Company?

*Testimony of Robert H. Keys*

A. Not the Company's actual records. I have read the statements in the newspapers from time to time.

Q. Were you talking about net profits?

A. I told you a moment ago that I was talking about the fact that I had read, following the signing of our contract, a statement in the paper that they had a larger surplus of cash than they had ever had in the history  
307 of the Company, or words to that effect.

Q. Did you have any information when you made that statement as to the facts regarding the surplus account which had occurred either during the six months prior to May, 1944, or after the six months, after May, 1944?

A. Will you read the question again?

(Question read.)

A. No.

Q. Do you know, Mr. Keys—As a matter of fact, do you know, for any month or any period whatever, either the year prior to 1944 or any period of months or quarters subsequent to then, what the profits per share of the Ford Motor Car Company were, or if there were any?

A. I didn't know there was any Ford Motor Company stock. Is there?

Q. I am asking you the question. Your answer, then, was not addressed to any profits for any particular period, I take it?

A. Of course not; there is no Ford Motor Company stock.

Q. That is your understanding of it?

A. That is my understanding.

Q. Now, Mr. Keys, you stated, I believe, that you were in Washington on May 17, before the War Labor Board, did you not?

A. Yes, I believe that is the date we were called  
308 down there.

Q. And was General Henry H. Arnold, Chief of the Army Air Forces, present at that hearing?

A. Yes, he was.

Q. Did he state, at that time, in your presence, that he

*Testimony of Robert H. Keys*

had a responsibility to the families of the crews that we send over enemy territory?

A. He did.

Q. And did he ask the question:

“What can I say to the crews’ families of a bomber shot down over Germany, because it did not have adequate fighter protection?”

A. Yes.

Q. Did he say:

“Our bomber losses are determined by the bomber protection we can afford them”?

A. He did.

Q. And did he say:

“How can I explain to the relatives of crews who are wounded, how can I explain to the families of those killed”?

A. He did; he made similar statements to those you have read. I don’t know if those are his exact words or not.

Q. Are you familiar with the fact that there were Press reports in the Detroit papers of that occasion in Washington?

309 A. Yes.

Q. And if the Detroit Times, on Thursday, May 18, which would be the following day, in an article, on page

2—  
Mr. Nelson: (Interposing) I am going to object, Mr. Examiner, to Mr. Donovan spreading this on the record of this case. I think this is just so obviously newspaper trumpery that it ought to be excluded. What do we care what the newspapers think of it?

Trial Examiner Jaffee: I cannot rule on a question that is not finished.

Mr. Nelson: He is obviously preparing now to read from the Detroit Times. I object to it. I object to his reading anything from the Detroit Times. We are not trying this

*Testimony of Robert H. Keys*

case from the newspapers, I hope, and who cares what the newspapers think?

Trial Examiner Jaffee: The objection, insofar as it applies to the pending question, or part of the question is overruled.

**310** Q. (By Mr. Donovan): In this Article, Mr. Keys, it was stated, and I quote:

"In Detroit, William Vallance, P. A. A. Vice-President, denied the General Arnold appeal had been the principal factor in ending the strike. Vallance claims the Foreman's Association had won a 'behind the scenes' victory for its objectives, and had terminated the strike on this basis."

Is that in accordance with your understanding, Mr. Keys?

Mr. Nelson: I object to that as absolutely irrelevant and immaterial. Mr. Vallance is not a witness and Mr. Keys did not make any part of the statement. It is just a piece of newspaper flamboyancy and I think the Petitioners in this case have a right to be protected from that kind of business on this record.

Trial Examiner Jaffee: My difficulty is that I do not know what the question means or what you are asking the witness, Mr. Donovan.

Mr. Donovan: I am asking the witness to give a little more information on the nature of the organization which is before the Board for certification in this proceeding. In the charter of relevant matters that are going into the record are excluded the nature of the organization involved. That was gone into in great detail by Mr. Nelson and Mr. Keys and I think we are entitled to cross-

**311** examine on it. I think we are entitled to test the views of the president of the Foreman's Association of America, that being the labor organization that is the Petitioner here.

Trial Examiner Jaffee: But you have not—

Mr. Donovan (Interposing): If this is not so he can say so and if it is I think we ought to know it.

Trial Examiner Jaffee: I still do not know what you are asking the witness.

*Testimony of Robert H. Keys*

Mr. Nelson: In all fairness I do not know what he is asking the witness, either.

Trial Examiner Jaffee: I am addressing my remarks to Mr. Donovan for the moment, Mr. Nelson—Mr. Donovan, are you asking for instance—are you asking the witness whether or not the Vice-President said so or is he assuming that he said so or does the witness agree with it, or what?

Mr. Donovan: I am merely asking him if he knows whether or not Mr. Vallance was directly quoted or correctly quoted, if he knows?

Trial Examiner Jaffee: Is that your question?

Mr. Nelson: I object to it as irrelevant and immaterial.

Trial Examiner Jaffee: Objection is sustained.

Q. (By Mr. Donovan): Mr. Keys, will you state whether or not you agree with the statement in the Detroit Press and the Detroit Times of May 18th where you were  
312 quoted as stating that it was not the plea of General H. H. Arnold or that of Rear Admiral Ernest W. Pace that prompted the back-to-work decision, but rather because the Foreman's Association of America felt the War Labor Board was taking a more favorable attitude.

Mr. Nelson: I object to that as irrelevant and immaterial.

Trial Examiner Jaffee: Objection sustained.

Q. (By Mr. Donovan): Is it true that you called the men back to work because the War Labor Board had taken a more favorable attitude?

A. No.

Mr. Nelson: I believe that is irrelevant and immaterial and I ask the answer be stricken with the question.

Trial Examiner Jaffee: Stricken.

Mr. Donovan: The Examiner is preventing me from going into the reasons why the Foreman's Association of America took the action they did with reference to the May strikes?

Trial Examiner Jaffee: I am just ruling on the questions.

Mr. Donovan: You then rule the question out?

Trial Examiner Jaffee: That is right.



*Testimony of Robert H. Keys*

Q. (By Mr. Donovan): Now, Mr. Keys, do you recall yesterday that you said, and if I am quoting the substance correctly will you tell me so and if not I will be glad  
313 to have you say so—that at the time you left the Ford Motor Company's employment you had a differential of approximately 15 cents as between you and the workers under you? Was that substantially your figure?

A. I said, as I recall it—I offered to get the proofs on it but you do not seem to want them. I cannot recall everything that has happened in the past three years, but that is my recollection, yes.

Q. Was that differential one that existed between you and the average paid worker in your department or between you and the highest paid worker or the lowest paid worker? Which was it?

A. The highest paid, as I recall it.

Q. You had 15 cents—you were receiving 15 cents more per hour than the highest paid workers in your department, is that right?

A. As I recall it, yes.

Q. At that time what was the range of pay of the workers under you in the Ford Motor Company department where you were foreman? What was the lowest paid rate and the highest paid rate?

A. The lowest rate would be, I think—I had some as low as 90 cents and up to \$1.40.

Q. You had workers under you getting \$1.40?

A. I had workers under me getting \$1.55 at the time  
314 I left. We are speaking of a little earlier period and I think that is what you are questioning me about.

Q. So that the highest paid worker under you at the time you left was receiving \$1.55 an hour?

A. That is right.

Q. What were you receiving?

A. I was getting \$1.65 and a nickel for nights.

Q. Well, did you count your 15 cents differential or figure it to include the 10 cents over the \$1.55 workers under you and your five-cent night bonus?

A. Yes. I got that. It was money in my pay envelope.

*Testimony of Robert H. Keys*

Q. In your opinion, is that a fair differential between the foreman and the workers under him in his department?

A. No.

Q. You think it should be higher?

A. I do.

Q. How much higher than the highest paid worker do you think it should be?

Trial Examiner Jaffee: Hasn't that been covered? I think he indicated that it should not be less than 25 cents and he hopes it would be higher than \$1.00.

The Witness: Mr. Examiner, he keeps asking me the same questions over and over again.

Mr. Donovan: I think the Examiner will strike out the questions that are improper and you do not have to  
315 worry about that. May I have that last question answered?

Trial Examiner Jaffee: Had you forgotten the earlier testimony on the subject?

Mr. Donovan: My next question will not make a great deal of sense until I refresh his recollection on that.

Trial Examiner Jaffee: All right.

The Witness: I said yesterday that I stated I thought it should be at least 25 cents and up to \$1.00 for the higher classes of supervision.

Q. (By Mr. Donovan): That is because he is a foreman, isn't it?

A. That is right.

Q. Mr. Keys, when you went down to Cleveland as you testified the other day, or yesterday I guess it was, just who did you see down there connected with the CIO?

A. Well, I saw Mr. Phillip Murray, President, I saw Mr. R. J. Thomas, President of the UAW-CIO, George Addes, Secretary of the UAW-CIO, Walter Reuther, Mr. Tom Groehn, sitting over here.

Q. (By Mr. Donovan): What was the occasion of your going down there to confer with these gentlemen?

A. I wanted to determine for myself that they had no designs in organizing the foremen, and I asked them that.

Q. Did you fear that they had?

*Testimony of Robert H. Keys*

316 A. No, I did not fear that they had, but there had been rumors and I wanted to determine for myself.

Q. Those rumors had come to your attention, hadn't they?

A. That is right.

Q. And you considered it important enough to make a trip to Cleveland to see the top CIO men and discuss that matter?

A. I did.

Q. And that was the only matter you did discuss with them with reference to the Foreman's Association of America, was it?

A. No.

Q. What else did you discuss with them with reference to the Foreman's Association of America?

A. I told them what the attitude of the employers was toward our organizational efforts, and that they eventually were going to result in a foremen's strike and picket line, and they told me that because of their pledge to the President that they would cross our picket lines. I told them that by the same token if their people were on wildcat strikes, we would instruct our men to go in and go on their jobs, regardless of their picket lines.

Q. And that is substantially the correct report of the matters you took up with them, is it?

A. That is right.

317 Q. Did you discuss the matter of any cooperation between the two Unions at the time of the strike of either?

A. I never asked them for any and they never offered any. Mr. Phillip Murray did say that he certainly held the highest esteem and regards for our organization and that we were doing the right thing and deserved an organization of our own.

Q. Mr. Keys, do you see anything inappropriate in foremen being members of the same Union as the men under them?

A. I have never given a great deal of thought to it and I have never studied the past history of such units or organizations, but basing my opinion on the fact that they

*Testimony of Robert H. Keys*

have been in existence for some forty years, my answer would have to be no.

Q. You do not approve, is that it?

A. No. I see no objections.

Q. You see no objections to it?

A. No.

Q. Well, then—

A. Don't misunderstand, Mr. Donovan. I said I am basing that no answer on the fact that they have been in existence for forty years. I know nothing about their organization except what I read.

Q. Nothing about what organization? The CIO?

A. The typographical and the maritime and the railroad workers where they have mixed units, supervision and employees and workers in the same bargaining unit.

Q. Are you talking about unions not active in the Detroit area?

A. Yes, I am talking about unions active in the United States of America.

Q. Confining the situation for the moment to the Detroit metropolitan area and the CIO, what would you say with respect to that as to the appropriateness of foremen belonging to a CIO Union?

A. I say that it is the jurisdiction of the National Labor Relations Board to decide the appropriateness of any unit. What we may seek or what any other union may seek will be decided by the Board.

Q. Would you rather not give me your own views on that?

A. I said yesterday, we always figured on remaining an independent union because we thought that we could service our members better that way.

Q. Why do you hesitate to give me a direct answer to my question?

A. What kind of answer do you want, Mr. Donovan?

Q. The answer you gave me is an answer to quite a different question. I asked you whether or not you considered it appropriate for a foreman to become a member of the CIO Union in the Detroit area?

*Testimony of Robert H. Keys*

319 A. I can only answer it through my interpretation of the law as it is written.

Q. I am not asking for the law but I am asking for your own personal opinion as to the appropriateness of foremen going into membership with a CIO Union in the metropolitan Detroit area?

A. Appropriateness from what angle? Mr. Donovan, give me a basis to decide whether it is appropriate or not.

Q. Do you know what I mean by membership?

A. Yes.

Q. Do you know what I mean by foremen?

A. I do.

Q. Then do you consider it appropriate for a foreman to become a member of the CIO Union?

A. What basis do you use as a judgment for appropriateness, is it law or appropriateness for the National Labor Relations Board or appropriateness for what reason?

Q. I want your opinion. If you do not want to answer the question, say so.

A. No, I answered it already.

Q. What is your answer?

A. I said give me a basis on which I can make an answer, and I will be glad to answer.

320 Q. You answer the question upon any different basis or assumptions that are in your own mind.

A. If you are asking me if I think a bargaining unit composed of the two groups would work, I will answer that question, or any direct question, but when you say if it is appropriate or not, you have to give me a basis to answer it on.

Q. You feel you cannot answer it properly as to the appropriate or inappropriateness—

A. (Interposing): As to a general answer, I think it would be appropriate. Yes, it would work, in my opinion.

Q. All right. Mr. Keys, speaking rather generally, do you believe that an employer should be held responsible for a foreman's interference with the rank and file workers in the matter of choosing a union or making anti-union statements, and that sort of thing?

A. If he forces the foreman to do it, yes.



*Testimony of Robert H. Keys*

Q. If a foreman would say to a worker, for example, "You better not join that CIO because the boss doesn't like it, it is liable to make a difference in your job," do you think management should be held responsible for statements of that type by a foreman?

A. Depending upon whether or not he was told to do so by his employer.

Q. Your answer would be if he was instructed to do that by an employer only in that event would management be responsible?

A. I would say management would be responsible in that event, yes.

Trial Examiner Jaffee: And only in that event?

The Witness: I beg your pardon?

Trial Examiner Jaffee: And only in that event?

The Witness: Yes, I would say and only in that event.

Q. (By Mr. Donovan): And that would be true with any other action or conversation or conduct on the part of the foreman that might be interference with a worker within the meaning of the National Labor Relations Act?

Trial Examiner Jaffee: Will you read that question, please?

(Question read.)

Trial Examiner Jaffee: That is a pretty broad question, is it not?

Mr. Donovan: It is rather broad. Would you rather I rephrase it, Mr. Examiner?

Trial Examiner Jaffee: Frankly, I would have difficulty in answering it myself, but if the witness can answer it, all right.

Q. (By Mr. Donovan): Mr. Keys, if a foreman's attitude toward the rank and file CIO workers is such as to constitute interference with his free choice, or rather, their free choice of joining or remaining as members of the Union, speaking generally, would you say that is something management is fairly chargeable with?

A. If there is the least interference and he was forced to do it.

Q. And only in such cases as that would management have any responsibility for the actions of foremen?

*Testimony of Robert H. Keys*

A. Hasn't the Board in the past drawn its conclusions—

Q. (Interposing) I am asking you.

A. I said if there is the least interference there.

Q. Do you base your answer upon the fact that the National Labor Relations Board has held that a foreman's conversations of a discriminatory or interfering sort are not traceable to management and are not management's responsibility?

A. I don't follow you on that question.

Q. Do you base your answer on what you understand the National Labor Relations Board has held in such cases?

A. I base my answer on the fact that if the Board should find, in its investigation, that there is at least an interference, that the foreman was forced or told to do whatever he did, that was in violation of the act, the employer should be held responsible.

Q. But only in the case of that, in the case you mentioned?

A. I think the Board would hold him responsible if they found that.

323 Q. And you say that is the basis—

A. (Interposing): I think if the foremen are organized or unorganized, I will tell you that.

Q. What do you mean?

A. I mean, it would make a great deal of difference if the foremen were organized or not organized.

Q. Then, it would mean this, it would make a difference whether the foremen were members of the Union or were not members of the Union?

A. It would make a big difference.

Q. What is the big difference in the one case or the other?

A. Well, organized foremen don't permit unfair labor practices, and unorganized foremen are forced to do so.

Q. That is your distinction?

A. I think the organization of foremen is going to be one of the greatest boons to this country in stopping unfair labor practices.

Q. You say, then, if the foremen were organized, the

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fact that management will be responsible for what he says or does in the way of interference with workers' rights would be of no importance, because there would be nothing of that sort?

A. I think it would be reduced to a minimum.

Q. So management would not have to worry very  
324 much about the actions or conduct of its foremen?

A. I don't know how much they would have to worry.

Q. Well, do you think there would be any difference in the responsibility of management where the foremen were members of the Union, or were not members of the Union?

A. Any difference in their responsibility?

Q. In the management's responsibility, what would be the difference, so far as management's responsibility for its foremen's actions are concerned?

A. Mr. Donovan, I think you are asking a lot of questions that can only be answered by the National Labor Relations Board itself.

Q. If you do not feel able to answer the question, just say so.

Mr. Nelson: That, obviously, is a question of law. I do not know how many questions of law you think this witness should answer correctly.

Mr. Donovan: Are you making an observation or an objection?

Mr. Nelson: I will object to it. You have been questioning him on the law for the last half hour, and he has done fairly well.

Trial Examiner Jaffee: That is a question of opinion, I suppose.

Mr. Nelson: It may be a question of opinion, and  
325 I am willing he should go, as far as the Trial Examiner sees fit on this.

Trial Examiner Jaffee: I mean, it is a question of opinion as to whether or not the witness has done pretty well so far or not.

Mr. Donovan: I will strike the question. I think the discussion has been illuminating enough for our pur-

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poses. If it is troublesome to counsel, I will reframe the question.

Mr. Nelson: Well, it is not that it is troublesome; I think it is a question of law, as I said.

Mr. Donovan: All right, if it is stricken, there can be no quarrel.

Mr. Nelson: No.

Q. (By Mr. Donovan): Mr. Keys, I believe you stated that the series of strikes of the Foreman's Association in the Detroit plants during April and May of this year, 1944, were unauthorized?

A. That's right.

Q. And, by that you mean, they were not inaugurated in accordance with the Constitutional provisions of the Foreman's Association of America?

A. That's right.

Q. Now, your charters that you grant to chapters correspond roughly to charters granted to locals of  
326 other unions?

A. I don't know; I haven't seen the charters of other unions.

Q. You do grant charters to locals, do you not?

A. Yes.

Q. And you have introduced some in evidence here?

A. Yes.

Q. And those charters are subject to revocation on occasion for violation of any constitutional provision, are they not?

A. Right.

Q. And members can be disciplined by the Foreman's Association of America, if they so choose, in a proper case, under your Constitution and by-laws, can they not?

A. Right.

Q. Was there any charter revoked or any member disciplined, that you know of, from May 1, 1944, to date, in the Foreman's Association of America?

A. No.

Q. Whatever happened during those strikes had your approval, did it?

A. It didn't have our approval, as far as the men walk-

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ing off the job. As far as understanding why they walked off the job, I thoroughly understand it and I think a lot of other people do, and if you would  
327 like the reasons, I will give them to you.

Q. I would like to have you answer my questions. Your counsel will let you talk about things like that when he gets you back. Mr. Keys, when a man becomes a member of the Foreman's Association of America, speaking by and large now, he becomes bound by the majority action taken by the Union, does he not?

A. If he is a good union man, yes.

Q. If he is a loyal union man?

A. Yes.

Q. And you like to have loyal union members, do you not?

A. That's right.

Q. And once a man becomes a member, you rather expect he will be loyal, do you not?

A. We do.

Q. If a majority favors a strike and some individual member, in his private opinion, does not favor it, you, nevertheless, expect him to be loyal, to be a loyal union member and go along with the action?

A. I stated yesterday he had no obligation, but if he is a good union man he probably will, yes.

Q. Mr. Keys, have you any familiarity, in a general way, with the contracts in existence in the metropolitan area of Detroit between the UAW-CIO and the large employers?

A. I have read most of them some time or other.

328 Q. Are you familiar—you can say if you are not—with the fact that those contracts, by and large, exclude foremen as direct representatives of management, speaking generally now?

A. Well, the phraseology is not what you quoted, they are excluded, yes.

Q. But you say not as direct representatives of management?

A. Not in all contracts; they are in some.

Q. You do not deny that that is in some of the UAW-CIO contracts?



*Testimony of Robert H. Keys*

Trial Examiner Jaffee: You mean, the phrase, "as direct representatives of management"?

Mr. Donovan: That is right.

A. Without refreshing my memory, I will have to say I don't know.

Q. (By Mr. Donovan): I thought you said a minute ago they were in some but not in others?

A. I said they may be in some.

Q. Now, Mr. Keys, you filed a brief here at the conclusion of the War Labor Board Panel, did you not?

A. Yes, our counsel filed a brief.

Q. Well, refreshing your recollection, I will show you a copy of the brief of the Foreman's Association of America which was given to us as a copy, and ask you  
329 if you can see your name at the bottom of that brief, with Mr. Nelson's?

A. Yes, I signed it, if that is what you want to know.

Q. And is that the brief of the Foreman's Association that was filed with the War Labor Board Panel who sat in Detroit during the summer on the foremen's case?

A. Yes, it looks like a copy of it.

Q. You identify it as a copy of the brief, the original of which was filed with the Panel?

A. Yes.

Q. In this brief, in the last paragraph, the following statement is contained:

"As a concrete suggestion, we urge that the recommendation by the Panel to the Board include the matter of a joint committee on grievances in each plant of the managements, consisting of not less than three representatives of the employer and three representatives of the foremen, together with appropriate building and department chairmen and committees."

Now, that is the only concrete suggestion that that brief contained in the way of a request to the Foreman's Panel, was it not?

A. That is the only suggestion about the grievance machinery if that is what you mean.

330 Q. Do you not recognize this language as the language of your brief, in the concluding paragraph?

*Testimony of Robert H. Keys*

A. Yes, sir.

Q. And the concrete suggestion was the appointment of the Labor-Management Committee, was it not?

A. I don't think it refers to it as Labor-Management Committees.

Q. Well, it was a joint committee composed of representatives of management and representatives of the foremen, was it not?

A. That's right.

Q. You can characterize that as you like, but that is what you said, nevertheless, is it not?

A. You are reading from the brief.

Q. Well, you do not claim I read it incorrectly?

A. You did when you spoke of it as Labor-Management Committee.

Q. No, that was a characterization of it, Mr. Keys, and you do not like that characterization, and you do not think a committee composed partly of management and partly of foremen is such a committee?

A. Yes, I do, I never said that. A committee like that could certainly be described that way.

Q. Why did you ask the Panel for a committee of that type?

331 A. To settle grievances.

Q. But you did not believe in that type of machinery, did you, at that time?

A. Yes, we believe in it. We don't say it is the best in the world, but we believe in it.

Q. You made certain radio addresses in Detroit, did you not, during the year 1944?

A. Yes.

Q. And you made one address on April 20, 1944, did you not?

A. I don't recall it offhand.

Q. Did you not introduce in evidence and supply all counsel with printed copies of your radio addresses made on behalf of the Foreman's Association of America over radio station CKLW?

A. Yes.

Q. You recall that?

A. Yes.

*Testimony of Robert H. Keys*

Q. Do you recognize the document that I show you as one such radio address, a printed pamphlet form (indicating)?

A. That is right.

Q. Did you not say in that address—did you not address on that occasion yourself, right after the opening, "Good evening, ladies and gentlemen," on April 20, 1944, as follows:

332 "At that time both the War Production Board and the manufacturers were making a great splurge with the establishment of labor-management committees, but week after week we foremen pointed out the fallacy of depending on such committees to create a new spirit of cooperation. We were the only voice in the country last year that predicted failure of the committee idea. Subsequent events have vindicated our judgment, for what has happened to these committees? The sad fact is that they were a colossal flop, and while they still exist in name in many plants, they long since have ceased to function or serve any useful purpose."

You do not deny you made that statement over the radio?

A. No, I don't deny it; I made that statement.

Q. As a matter of fact, when you filed this brief with the War Labor Board Panel, that was not really what you wanted from the War Labor Board Panel, was it?

Trial Examiner Jaffee: Pardon me, what was the date of the brief?

Mr. Donovan: The brief is undated, but it was filed at the conclusion of the War Labor Board Panel hearing.

Mr. Nelson: I will agree with you on the date, if you like. I would say it was the last week in August, and if you like you can fix it on the last day of August.

333 to give it a specific date.

Mr. Donovan: That is my recollection also, Mr. Nelson.

Trial Examiner Jaffee: Well, you have a difference in dates.

Mr. Donovan: Maybe that is what I was going to ask him, Mr. Examiner. Do I have a question pending?

*Testimony of Robert H. Keys*

Mr. Nelson: We agreed on the date for the record, if that is agreeable to the Examiner.

Trial Examiner Jaffee: Yes.

Mr. Donovan: I am asking if there was a question pending.

Trial Examiner Jaffee: If there is a question-pending will you please read it?

(Question read.)

The Witness: Yes.

Q. (By Mr. Donovan): Is that still what you want?

A. Yes, we want a grievance committee. I wasn't talking about a grievance committee in that radio talk, though. The people, the public knew it; you should know it. I was talking about joint labor management committees having nothing to do with grievances.

Q. Is it not true at the time you filed this brief, and at the time we were before the War Labor Board Panel, and today, that what you want is collective bargaining  
334 and a contract in recognition of the foremen, just like the CIO has it?

A. Yes.

Q. That is what you want?

A. Yes.

Mr. Donovan: That is all.

Mr. Nelson: Could we have our morning recess at this time?

Trial Examiner Jaffee: We will take a five-minute recess.

(Recess taken.)

335 Trial Examiner Jaffee: The hearing is in order.

Q. (By Mr. Donovan) Mr. Keys, I wish to show you a transcript of the Court Reporter's of the session of July 18 before the National War Labor Board Panel, where you were present and conducted the case on behalf of the Foreman's Association of America in Mr. Nelson's absence and ask you if you can identify this as the Reporter's transcript, Book 14 of that session, of which you likewise received a copy.

A. Yes, that looks like the official report.

Q. Will you state whether or not you can recall the fol-

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following conversation between you and Mr. Iserman at page 1954 in the July 18 session (Reading):

"Mr. Iserman: As pertinent to the discussion that just preceded the recess, I would like to read into the record two paragraphs of a News Story that appeared in the Detroit News on May 19, 1944, in which Mr. Keys, the president of the F. A. A., is quoted:

"In commenting on the "tremendous gains made for the Association" in the strike, Keys said today:

"Before the strike, we didn't have a voice anywhere. But in the last two weeks we gained for the foremen the right to appear before the NLRB, the right to protest against discrimination; the right to certify disputes coming under the War Disputes Act; and a contract with the Ford Motor Company."

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"May I ask, Mr. Keys, if that substantially is a correct statement?

"Mr. Keys: Substantially, yes. It is not the exact phraseology."

Do you recall those questions and having made those answers, Mr. Keys?

A. I do.

Q. Isn't it true, Mr. Keys, that since your contract and your dealings with the Ford Motor Company, there were more strikes at Ford's than at any other plant, of foremen?

Trial Examiner Jaffee: You are speaking of the contract signed May 9, 1944?

Mr. Donovan: It was preceded with some arrangements as to classifications prior to that time.

Q. (By Mr. Donovan) Mr. Keys, isn't that a fact?

A. Are you referring to the May 9, 1944 contract?

Q. Since the time of your first arrangement with the Ford Motor Company, something less than a contract, which you described as an agreement with respect to classifications and so forth.

A. Yes, there had been more strikes but of shorter duration.

*Testimony of Robert H. Keys*

Q. Isn't it true the Ford Motor Company is the place where you had the greatest success in organizational efforts on behalf of the Foreman's Association of America?

A. No, not with organization efforts. We have Packard organized one hundred percent while Ford is not organized one hundred percent. We have obtained a contract from Ford, if that is what you mean.

Q. That is right. At that time, prior to the United Stove Company, that little company, that is the only contract you have been able to obtain from a Detroit employer, isn't it?

A. That is right.

Q. You received the greatest concessions from the Ford Motor Company as compared with any other motor company, did you not?

A. We have.

Q. Now, this radio talk which I called your attention to a few minutes ago, was one of a series extending over a period of months in 1944, was it not?

A. Yes, I think I made 39 of them altogether.

Mr. Donovan: That is all, I think, at the present time.

**Redirect Examination.**

Q. (By Mr. Nelson) Mr. Keys, in connection with the Ford situation, isn't it a fact that the supervision at the Ford Motor Car Company is in somewhat of a different situation than that in other factories?

338 A. Yes, the structure of the layout—is that what you have reference to?

Q. Yes, the structure of it is different and generally speaking, the ratio of supervision to maintenance and production workers is higher, isn't it, at Ford's?

A. Well, by higher—

Mr. Dahling: I do not quite understand that question.

The Witness: I do not understand it either.

Q. (By Mr. Nelson) To put it in a different form, there is more supervision at Ford's, generally speaking, than in other factories?

A. Yes.



*Testimony of Robert H. Keys*

Q. And there is a greater need for supervision in the factory and the way it is run?

A. In my opinion, yes.

Q. And that is your experience too?

A. Yes.

Q. And that is your information from other plants as you have been president of the Association?

A. That is, right.

Q. In other words, to some extent, the Ford situation is a special situation, is that right?

A. Yes.

Q. But in fact, does it involve the principles in substance that you find in other factories?

339 A. Yes.

Q. And the same relative circumstances so far as supervisors are concerned?

A. Yes.

Q. Mr. Keys, following the Maryland Drydock decision, did you take part in the filing of an unfair labor practice petition at the Soss Manufacturing and the Republic Steel Company on behalf of the chapters of the Association?

A. I filed them previous to the Maryland Drydock decision and upon their dismissal by the Regional Office, I appealed to the National Board in Washington following the Maryland Drydock case.

Q. They were finally disposed of after the Maryland Drydock decision?

A. Yes, the Board had a hearing in Washington on either January or February 15, 1944.

Q. And sustained its own power to entertain unfair labor practice petitions on behalf of foremen?

A. The decision of the Board was that foremen are employees within the meaning of the Act and it is an unfair labor practice to discriminate against them because of their union activities.

Q. And that decision followed the Maryland Drydock decision?

A. Yes.

340 Q. Of course, the Maryland Drydock decision was a two to one decision?

*Testimony of Robert H. Keys*

A. That is right.

Q. That was known to you?

A. That is right.

Q. And there was, what we think, is a very cogent dissenting opinion in that case?

A. Yes.

Trial Examiner Jaffee: The Soss decision was also two to one, wasn't it?

The Witness: No, unless I am mistaken, the Soss case was a unanimous decision.

Trial Examiner Jaffee: Yes, that was a special concurrence.

Mr. Nelson: I believe the Examiner is correct. It was not a dissenting opinion so far as sustaining the power of the Board is concerned. Mr. Keys, you understood the power of the Soss and read the publication that in those decisions it was unanimous?

Mr. Donovan: I have no objections to counsel discussing legal matters with the witness although he did not like me to do it.

Mr. Nelson: I allowed you to do it, Mr. Donovan, except when you got down to legal responsibilities. Then I thought you got down beyond the witness' possible depth.

341 Q. (By Mr. Nelson) Mr. Keys, to put it colloquially, ever since the Maryland Drydock decision, your counsel and you and the representatives of the Association have been needling the responsible parties just as far as we dared about the Maryland Drydock case?

A. Yes, I talked with them at every opportunity I had on the subject.

Q. And you made it perfectly clear that you intended to change that decision when the facts were available to do so?

A. Yes.

Q. And that is your effort in this case?

A. It is.

Q. Coming now to the Briggs matter on which Mr. Donovan questioned you yesterday, were there certain advancements by the Briggs Manufacturing Company immediately

*Testimony of Robert H. Keys*

prior to or during the strike affecting the supervisory force?

A. Yes.

Q. What were they?

A. Well, the Briggs Manufacturing Company advanced to position of assistant superintendent, a number of foremen during the strike and I think some since. Our investigation discloses that these advancements were given to men who did not participate in the strike and who crossed the picket line and went into work and so forth.

**342** Mr. Dahling: Mr. Examiner, I move the answer be stricken. It is irrelevant and immaterial as to what might have happened in the Briggs plant. That apparently is one of their grievances and in this proceeding has no place. There is no place for that sort of testimony in this proceeding.

Mr. Nelson: May I respond to that, Mr. Examiner? To remind you that yesterday Mr. Donovan went at great length into what happened, as he claimed, at the Briggs and I expect to be very brief about this.

Trial Examiner Jaffee: I cannot for the moment see the relevancy of the particular question and answer.

Mr. Nelson: The advancement of men under false designation is a matter of great importance to the foremen, Mr. Examiner, and particularly when it takes place as a strike measure—

Mr. Dahling: (Interposing) I am sorry, I did not mean to interrupt you. I thought you were through.

Mr. Nelson: No, I am not. I expect to show a presently subsisting dispute and difference growing out of that situation.

Mr. Dahling: I make the same objection.

Trial Examiner Jaffee: I gather from what you last said, Mr. Nelson, that you had more questions along the latter line?

**343** Mr. Nelson: I want to follow it out and complete the showing with respect to advancement of foremen to designations of superintendent and assistant superintendent during the strike and then the aftermath of doing so. That is my purpose.

*Testimony of Robert H. Keys*

Trial Examiner Jaffee: The answer may remain as a basis for further questions. I will overrule the objection for the time being. It may be renewed later.

Q. (By Mr. Nelson) You may answer the question, Mr. Keys.

A. Well, as I explained how they had been advanced to the positions of assistant superintendent.

Q. And their previous rank was what?

A. Foremen.

Q. Now, do you have a presently subsisting dispute and difference relating to those men who were advanced by the Briggs Manufacturing Company during that strike?

A. Yes, we do.

Mr. Dahling: I object again, Mr. Examiner. In this proceeding we are not dealing with grievances that the particular union may have. We are dealing with the problem of whether or not these foremen are an appropriate unit and following, whether they should have collective bargaining. I call your attention again, Mr. Examiner,

to the fact that for months of this year at the hearing before the War Labor Board, the Foreman's Association of America went into that matter of grievances trying to show that they have grievances. They were very unsuccessful, in our opinion. If we are going to have this hearing develop into that sort of a hearing, it will go on indefinitely because we must have the right, if they bring these things up, these grievances, to introduce testimony to show that they do not exist and that they have no substance. If we are going into Briggs where they may have a grievance and bring that up and if you are going into the other companies where they may have a grievance, we will have to bring the testimony in from other companies for the same purpose. I think we are going too far afield.

Mr. Nelson: On the issue of an appropriate bargaining unit, Mr. Donovan brought out very carefully yesterday the line of demarkation and the witness testified as to that and he said in substance that where the designations were a false designation for a particular purpose, then his answer would have been qualified in certain respects and

*Testimony of Robert H. Keys*

he gave a series of answers to Mr. Donovan's questions. This bears directly on what Mr. Donovan brought out with respect to the Briggs strike and an appropriate bargaining unit and other things. I assume Mr. Donovan had some purpose in questioning about that strike and I accused

him on the record of looking for publicity in the  
**345** newspapers. If he has a serious purpose which relates to the fixing of the appropriate bargaining unit, then this question is directed to that end.

Trial Examiner Jaffee: Have you completed your questioning on that point?

Mr. Nelson: I have one more question after this one.

Mr. Dahling: Mr. Examiner, may I suggest that the petition discloses in paragraph 5, "The alleged appropriate bargaining unit includes employees classified as assistant foremen, foremen, general foremen, and employees classified as foremen who are referred to as special assignment employees." That is the unit we are talking about here. We are not talking about assistant superintendents and the Briggs Manufacturing Company. If there is any argument about who would fall in these classifications set forth in paragraph 5 of the petition, it would be an argument with respect to Packard supervision, and not Briggs.

Mr. Nelson: The same principle would apply.

Trial Examiner Jaffee: The witness may answer. The objection may be renewed when counsel has completed his examination on the Briggs situation.

Q. (By Mr. Nelson) Do you have a present dispute relating to those foremen at Briggs that were referred to by Mr. Donovan yesterday as assistant superintendent and superintendent? Is that correct, you do have such a dispute?

**346** A. Yes.

Q. Now, just two more questions. Are those the men to whom he referred as sleeping in the plant during the strike?

A. Yes.

Q. What is the dispute?

Trial Examiner Jaffee: Briefly.

*Testimony of Robert H. Keys*

Mr. Nelson: Yes, briefly.

Mr. Dahling: Mr. Examiner, do I understand that my objections go to all of these questions?

Trial Examiner Jaffee: Yes.

The Witness: They created too many assistant superintendents in that manner. They are now removing all the general foremen and putting them back as foremen; removing the foremen and putting them back into the rank and file as workers and placing these so-called assistant superintendents on the general foremen's jobs and still continuing to call them assistant superintendents and presumably paying them more than they have paid their general foremen for doing the same work they are now doing.

Mr. Donovan: I will ask that the answer be stricken as to presumably paying this or that.

Mr. Nelson: I have no objection to having that stricken out.

Trial Examiner Jaffee: So much of the answer which follows the word "presumably" is stricken. The

347 rest may stay.

Q. (By Mr. Nelson) The so-called assistant superintendent and superintendents with functions heretofore performed by foremen and assistant foremen—those foremen and assistant foremen were members of this Association and were now demoted for that purpose?

A. That is right.

Mr. Donovan: I have an objection to the last question and ask that it be stricken. It is too general to have any meaning and it should not go on the record here against Briggs or any other employer, unaccompanied by any definite statement of facts as to any individual superintendent, assistant superintendent or foreman. It is unrelated to any date in time whatsoever and it is unrelated to any plant. In the form that it is, I think that it is highly objectionable and it should be stricken. Counsel should be asked to adduce testimony in the proper way if he decides to develop the factual end he is evidently seeking here.

Trial Examiner Jaffee: This last evidence as to the situ-



*Testimony of Robert H. Keys*

ation at Briggs may remain for the limited purpose of indicating the nature of the dispute and not as independent evidence as to the truth of any particular contention in that dispute.

Mr. Nelson: We are contented with that ruling. We offered it, as stated previously, I think—that is a  
348 fair ruling and we are contented with it.

Mr. Dahling: Mr. Examiner, again I ask that it be stricken in entirety as bringing in matters which are irrelevant and if which not answered by the Company in this case, may have an effect upon the decision.

The mere fact that they are admitted for the purpose of showing that there is a dispute does not take away the sting that might be placed upon the testimony—upon testimony of this character. That a company, not in this proceeding, has been demoting general foremen back to foremen and upgrading other people, with the implied claim that that is being done because of union activities or non-union activities.

Trial Examiner Jaffee: I do not see how it is at all relevant. Whether or not there is any sting—I assume depends upon whether or not the fact-finding tribunal goes beyond by ruling. I have limited it. My ruling as I have indicated, places a limitation which is of a nature which any preliminary fact finder may make. That in turn creates a danger inherent in all trials, I presume. Such experience as I have indicates that it is a danger which is sometimes overemphasized. I think since I have specifically indicated the limitations on the testimony the ruling ought to stand. If the Board should go beyond me, I assume you will have just cause to complain.

349 Mr. Donovan: I think if it is allowed to stand, it should definitely appear that it is nothing more than a claim and an unproved claim by the Foreman's Association of America. It is a mere statement which they have made. It is a claim with no statement of fact to support the claim.

Trial Examiner Jaffee: (Interposing) I will let it stand for the limited purpose I have already indicated.

Q. (By Mr. Nelson) Mr. Keys, on inquiry of Mr. Dono-

*Testimony of Robert H. Keys*

van this morning, you gave some testimony relating to the function of a foreman in an unfair labor practice matter. That is, assuming in substance, that a foreman assumed to oppose the affiliations of a worker under his supervision with the union of his choice. You used the word "told"—told whether the foreman was told by the employer to do this or not. I want to inquire whether you would include in the same category a foreman who took that step where the policies of the employer had been made known or was quite clear to the workers in the shop and the public or either one of them.

A. Yes, where the policies of the employers are such that it is known to the community and the public, I definitely would include that, yes.

Q. Let me ask you whether, up to the present time in the history of the Foreman's Association of America, that it has been brought to your attention, that  
350 there has ever been a case of complaint by a maintenance and production worker of unfair labor practices wherein the foreman was involved, that is, up to the present time.

A. No.

Q. In other words, up to now there has never been a complaint by any maintenance or production worker that a foreman had taken steps that could be described as unfair labor practices within the meaning of the Wagner Act?

A. So far as the membership of our Association is concerned—

Q. (Interposing) Yes, so far as the membership of the Foreman's Association of America is concerned, that is a true statement, isn't it?

A. We have had not a single complaint.

Q. You said something yesterday about a Wage and Classification agreement entered into in 1942 with the Ford Motor Company.

A. Yes, November 5, 1942.

Mr. Nelson: I ask the Reporter to mark this as Exhibit  
—Petitioner's Exhibit 12.

(Thereupon the document above referred to was marked  
Petitioner's Exhibit No. 12 for identification.)

*Testimony of Robert H. Keys*

351 Q. (By Mr. Nelson) Mr. Keys, my recollection is that you said it was the first agreement between the Association and the Ford Motor Car Company.

A. Yes.

Q. I show you Petitioner's Exhibit 12 for identification and ask you if that is a true copy of the Wage and Classification Agreement.

A. Yes, that is a true copy.

Mr. Nelson: I offer the contract in evidence and I offer a copy to the attorney for the Board and the Company and I offer the original to the Trial Examiner.

Mr. Dahling: Mr. Examiner, we object to the admission of Exhibit 12 into evidence on the ground that it is an agreement that relates to matters between the Ford Motor Company and the Foreman's Association of America. There has been no showing that the condition in that Company is the same as the condition in the Packard Company and it is, therefore, without weight in this proceeding and should not be received.

Trial Examiner Jaffee: It is received.

(The document heretofore marked Petitioner's Exhibit No. 12 for identification was received in evidence.)

Q. (By Mr. Nelson) You also said that following that, there was an agreement entered into between the Association and the Ford Motor Company preliminary to a further agreement?

352 A. Yes, we signed an agreement agreeing to negotiate a contract.

Mr. Nelson: I ask the Reporter to mark this exhibit 13.

(Thereupon the document above referred to was marked Petitioner's Exhibit No. 13 for identification.)

Q. (By Mr. Nelson) And Exhibit 13 is that agreement and the original of the agreement is available for inspection, is it not?

A. Yes.

Mr. Nelson: I offer the exhibit in evidence. I offer copies to the attorney for the Board and to Packard Motor Company counsel and the exhibit itself I offer to the Examiner.

Mr. Karasick: No objection.

Mr. Dahling: Mr. Examiner, without repeating it again,

*Testimony of Robert H. Keys*

I make objection to the admission of this document marked for identification as number 13, the same objection that I made with respect to Exhibit Number 12.

Trial Examiner Jaffee: It is received.

(The document heretofore marked Petitioner's Exhibit No. 13 for identification was received in evidence.)

Q. (By Mr. Nelson) I think further on cross examination yesterday you stated that the presently effective agreement between the Association and the Ford Chapter, 353 of the Ford Motor Company, had been submitted to the War Labor Board jointly by the Company and the Association for its approval, is that correct?

A. I don't recall whether I said jointly or not. It had been submitted and had been approved, yes.

Q. And it was submitted in writing?

A. Yes.

Mr. Nelson: I ask the Reporter to mark this as Petitioner's Exhibit Number 14; it is an eleven-page document.

(The document above referred to was marked for identification as Petitioner's Exhibit No. 14.)

The Witness: Mr. Nelson, to clarify my statement of a moment ago, the War Labor Board held a hearing at which the Company and the Association appeared personally.

Q. (By Mr. Nelson) In addition to this written submission?

A. In addition to it, yes.

Q. I will make the showing on the written submission and ask you if Exhibit 14 is a copy of the letter of transmittal jointly by the Company and the Association to the War Labor Board, and whether the original is available for inspection?

A. Yes, I signed that on behalf of the Association.

Q. And the Company signed it on behalf of the Company?

A. Yes.

354 Q. And it was submitted?

A. That is right.

Mr. Nelson: I offer this in evidence. I offer a copy to counsel for the Board and a copy to counsel for the Packard Motor Company and the original to the Examiner.

*Testimony of Robert H. Keys*

Mr. Donovan: Mr. Trial Examiner, I would like to ask counsel if what has been referred to as a submission to the War Labor Board was a case or a pending matter before the War Labor Board which received a number, or was this merely an informal report to the War Labor Board of the proposed contract submitted in letter form?

Mr. Nelson: There was a proceeding before the War Labor Board. You have the number there.

Mr. Donovan: I would like to have that number and the date of the case and the directive issued, if any, by the War Labor Board with respect to this contract.

Mr. Nelson: If you will be a little patient, I still have some more papers to submit. I think the latter part of your request will be complied with.

Mr. Donovan: How about the number?

Mr. Nelson: We have here a case number 30-1444 on a communication from the National War Labor Board that is marked, "Second Ruling of the Board." I believe that is the correct number and that document will be offered just as soon as we can chronologically get to it.

355 Mr. Donovan: What is the number, please?

Mr. Nelson: They mark it "No. 30-1444."

Mr. Donovan: What was the title of the proceeding?

Mr. Nelson: Well, on that paper, it is entitled, "National War Labor Board, Region XI, Detroit, 26, Michigan, in the matter of Ford Motor Company and Foreman's Association of America, Ford Chapter Number 1," and it is accompanied by that case number as given.

Mr. Donovan: Do I understand that counsel is introducing the document he has just talked about?

Mr. Nelson: It will come in its chronological order, and I will offer it in evidence.

Trial Examiner Jaffee: I assume it is objected to, similar to the objection offered to Petitioner's Exhibit 14?

Mr. Dahling: Yes, Mr. Trial Examiner, it appears to be nothing more nor less than a request for approval of a rate change to be put in effect in the Ford Motor Company. We consider it incompetent and irrelevant and having no bearing on the issues in this proceeding.

Trial Examiner Jaffee: Same ruling. Proceed.



*Testimony of Robert H. Keys*

Q. (By Mr. Nelson) Was there a ruling of the National War Labor Board received following the submission of Exhibit Number 14, Mr. Keys?

A. And following a hearing.

356 Q. And following a hearing; that is, the Company and the Association went to the War Labor Board?

A. Yes.

Q. And reported personally and orally to the Board on the matter, is that right?

A. Well, they requested that we come over there for a hearing.

Q. And you did so?

A. And representatives of the Association and representatives of the Company appeared before the Panel, and following that appearance we received approval of our contract in its entirety.

Mr. Nelson: I ask the Reporter to mark this letter from the National War Labor Board, dated October 28, 1944, and the accompanying paper, as Petitioner's Exhibit Number 15.

(Thereupon the document above referred to was marked Petitioner's Exhibit No. 15 for identification.)

Q. (By Mr. Nelson) Did you receive in due course from the National War Labor Board the letter of enclosure which I have caused to be marked Petitioner's Exhibit 15, together with the paper attached thereto?

A. Yes, this was their first notice to me.

357 Mr. Nelson: The letter is dated October 28, 1944 and the accompanying petition is designated, "First Ruling of the Board," bearing the date October 28, 1944, and the case number is number 30-1444, and I offer it in evidence. I offer a copy to counsel for the Board; a copy to counsel for the Packard Motor and the original to the Examiner.

Mr. Dahling: Mr. Examiner, we have the same objection. It appears now that this is nothing more than an application for a wage adjustment, which, apparently, was granted by the War Labor Board. Certainly, it has no relevancy in this proceeding.

Trial Examiner Jaffee: Received.



*Testimony of Robert H. Keys*

(The document heretofore marked Petitioner's Exhibit No. 15 for identification was received in evidence.)

Q. (By Mr. Nelson) You received a second communication from the National War Labor Board, did you, Mr. Keys?

A. Yes, they had made a reservation in their first decision.

Q. Covering paragraph 18?

A. Covering paragraph 18 of our contract, because it was something that was new to them in the way of contractual provisions and they wanted time to study it.

Mr. Nelson: I ask the Reporter to mark the letter dated November 16, 1944, and the letter dated November 14, 1944, and the accompanying paper marked, "Second Ruling of the Board," as Petitioner's Exhibit Number 16.

(Thereupon the document above referred to was marked Petitioner's Exhibit No. 16 for identification.)

358 Q. (By Mr. Nelson) I ask you, Mr. Keys, if this is that second communication you received, that you referred to, and if the original is available for inspection? (Indicating.)

A. Yes.

Mr. Nelson: I offer the exhibit in evidence, a copy to counsel for the Board, a copy to counsel for Packard Motor and the original to the Examiner.

Q. (By Mr. Nelson) Mr. Keys, just a word of explanation about this. You said the Board had reserved its ruling on paragraph 18 of the contract, is that right?

A. That's right.

Q. After the hearing it had reserved its ruling?

A. Yes.

Q. Then, in the second ruling of the Board on November 14, 1944, it referred to paragraph 15?

A. Yes, but that was an error.

Q. Yes, that was an error, and that error is corrected in the letter of November 16, 1944?

A. That is right.

Q. When it was called to their attention?

A. That is right.

Mr. Dahling: Same objection, Mr. Examiner.

*Testimony of Robert H. Keys*

Mr. Nelson: There is nothing further of this witness at this time. We offer him for further cross-examination, if desired.

359 Trial Examiner Jaffee: Petitioner's Exhibit Number 16 is received.

(The document heretofore marked Petitioner's Exhibit No. 16 for identification was received in evidence.)

**Cross-Examination.**

Q. (By Mr. Karasick) Mr. Keys, there are several matters I am not sure that the record clearly reflects about which I would like to ask you.

A. All right, sir.

Q. I believe you testified that subsequent to the signing of the Ford agreement in May, 1944, and up to the present time, there have been other supplemental agreements entered into between the Ford Motor Company and the Foreman's Association, is that correct?

A. That is true.

Q. Two supplemental agreements, were there?

A. Two have been signed and they are negotiating on one at present.

Q. I see. Can you just tell us briefly what matters are covered by these two supplemental agreements?

A. I was not a member of the negotiating committee that negotiated them, and I probably couldn't give you that information as well as a member of the committee. I have copies of them if you wish to see them.

360 Q. All I am interested in knowing is what, in general, did those supplemental agreements deal with?

A. Well, our contract provided, under Section 23, I believe, that old grievances that had been—that had not been settled to the satisfaction of a foreman-member of our organization under the old Wage and Classification agreement could be written up as a grievance and processed and there were quite a number of them. As a matter of fact, I think it ran into three or four hundred throughout the entire Ford industry. So one of the supplemental agreements was to establish a date line for accepting them and for meeting to pass upon them, or to dispose of them by the Association and the Company.

*Testimony of Robert H. Keys*

Q. So that one matter, then, was a change in the method of handling the grievance machinery under the contract?

A. Under one article of the contract—old grievances originating from the original agreement of 1942.

Q. And was that the sole matter covered in one supplemental agreement?

A. Yes.

Q. What was, just generally, the subject matter or matters covered by the second supplemental agreement?

A. In order to give you a correct answer on that, I would like permission to ask one of the members of the committee; he is sitting right there. You see, I  
361 was not in on one of those negotiations at all.

Q. You have no personal knowledge, then, of the matter covered by the second supplemental agreement?

Trial Examiner Jaffee: First or second?

Mr. Karasick: Second.

The Witness: The first and second agreements have been submitted to me. I have read them but it has been quite some time back, and I am not too familiar with the contents.

Mr. Karasick: Very well.

Mr. Donovan: Does this still relate to the Ford Motor Company; that is, the supplemental agreements?

Mr. Karasick: That is correct.

Mr. Nelson: I would volunteer a bit of information here. The second one relates to misclassification of foremen, and there is one signed in the last two days relating to seniority, making the third supplemental agreement arrived at. This last one is so recent we do not have a copy of it.

The Witness: That is true.

Q. (By Mr. Karasick) With that statement of counsel, does that refresh your recollection as to the subject matter covered by each of the supplemental agreements?

A. I would rather not try to answer that, to describe the subject matters of those agreements personally,  
362 because I wasn't in on the negotiations.

Q. Very well. I believe you testified, Mr. Keys, that there were no geographical limitations placed by the

*Testimony of Robert H. Keys*

Association on chapters which were chartered by the Association.

A. Yes.

Q. Now, did you mean by that, that a chapter could exist in any part of the country, or did you instead mean a chapter would have jurisdiction over any geographical area irrespective of how large it might be?

A. I meant it could exist in any part of the country.

Q. Is the jurisdiction of a chapter chartered by the Association in each case defined to geographical area covered by the chapter?

A. No, just the plants covered by the chapter.

Q. So, in that respect, then, the jurisdiction is defined, is that correct?

A. That is true.

Q. Yesterday you stated that in the consent election which was conducted in case number 7-R-1279, involving the foremen employed at the Packard Motor Company, there were 130 challenged ballots?

A. That is the figure that I stated.

Q. Now, what was the reason for the challenge and who challenged them?

363 Mr. Dahling: Just a minute, please. Does this have any relevancy at all, about some prior petition that is not before the Board now? This proceeding, if it proceeds as expected by the Association, will result, presumably, in an election at some future date. I can see no relevancy whatever to some past election which is not at all an issue here, nor whether or not the votes were challenged in that election.

Mr. Karasick: I might only say, Mr. Examiner, that I am not interested in eliciting any fact that is not relevant to this proceeding. My duty is to get a full and intelligent record for the Board. But the question of the Packard consent election has been gone into previously in this proceeding. Mr. Donovan himself has asked questions at great length about it?

Mr. Donovan: I did not ask any questions about it.

Mr. Karasick: Then I am mistaken. The record will determine that.

*Testimony of Robert H. Keys*

I do think since there is some question about the matter, it should be clarified for the convenience of the Board.

Trial Examiner Jaffee: Do you claim the figure is wrong, or what?

Mr. Karasick: No, I merely wanted to know what the basis was for the challenge, but if the Examiner  
364 feels that it is not material, I am perfectly willing to drop it.

Trial Examiner Jaffee: I think we have enough on it.

Mr. Karasick: Very well, I withdraw the question.

Trial Examiner Jaffee: Are there any further questions of the witness?

Mr. Karasick: Yes, just a moment, please.

Q. (By Mr. Karasick) I believe you also testified, Mr. Keys, that after the consent election I have been referring to, you received only the election results from the Regional Office of the Board, is that correct?

A. Yes, I received a document showing the results of the election.

Q. I hand you Board Exhibit Number 19, and ask you if that is the document you referred to when you said you had received a copy of the election results?

Mr. Dahling: Just a moment, witness. Mr. Examiner, we, of course, objected to the introduction of that exhibit, and without repeating it, we make the same objection to this whole line of testimony.

Mr. Karasick: Since the matter has been gone into, I think it should be gone into with clarity. The witness has testified he received a copy of the election results only. I want to know whether the witness received a copy of the report on the consent election which was sent out by the Regional Director.

365 Trial Examiner Jaffee: Mr. Dahling is merely preserving his objection. He may answer.

Mr. Dahling: Yes, Mr. Examiner.

The Witness: All right.

Q. (By Mr. Karasick) That is what you meant by saying you received the election results?

A. Yes, I referred to that yesterday in my testimony as the certification of the election results. That is the document I had in mind.



*Testimony of Robert H. Keys*

Q. Now, both Mr. Donovan and Mr. Nelson questioned you with respect to the responsibility of Management for foremen's activities concerning the possible commission of unfair labor practices, and you answered their questions. Your answers to those questions were your understanding of what the Board decisions held in cases involving such questions?

A. Yes. Of course, I was giving my opinion only.

Q. I see. That was your understanding, is that it?

A. Well, I have read Board decisions; I am not too familiar with them, but that was my understanding, yes.

Q. In formulating policies or in giving advice to members of the Association with respect to their duties and responsibilities concerning Management under the decisions of this Board, do you consult legal counsel and get legal advice as to specific situations and as to general problems concerning those matters?

366 Trial Examiner Jaffee: I may say, Mr. Karasick, that I had not thought Mr. Donovan was asking these so-called legal questions, to begin with, merely to get legal information.

Mr. Karasick: Nor am I, Mr. Examiner.

Trial Examiner Jaffee: But as questions having some bearing on the opinion expressed by the witness.

Mr. Karasick: I am trying to find out the basis for that opinion. I think the Board should know it.

Q. (By Mr. Karasick) Do you understand my last question, Mr. Keys?

A. On any matter that comes to my attention, as President of the Foreman's Association of America, pertaining to the law, I consult with Mr. Nelson, our counsel. I refer it to him and if there is any type of action to be taken, so on and so forth, he advises me.

Q. Your opinion concerning the situation we are now talking about, was that an expression of your opinion as to what the decisions of the Board are and have been?

A. That's the way I understood it, yes.

Q. You were asked whether or not the Foreman's Association approved of certain strikes which have taken place



*Testimony of Robert H. Keys*

in this area, and you said they had not; that the  
367 Foreman's Association of America, nevertheless, had not disciplined its members for participating in such strikes. Is there any reason for that?

A. Yes, there is a definite reason. We were warned and asked by the membership to permit them to strike. We still have such requests. There is hardly a day that goes by but what we get a request for permission to strike from one of our chapters, and we have withheld that permission. When the situation got out of hand, when they felt they had to strike to protect themselves and preserve their jobs and so forth, and they did strike, we haven't disciplined them in any manner, although we have provided in our constitution stricter regulations governing strikes. We have made the procedure quite lengthy and the chapters must follow it if they wish to participate in a strike.

Q. Are you acquainted with the general functioning of labor-management committees throughout the country that were set up under, I think, the War Production Board Program?

A. Yes, I made quite an investigation of them at one time. I thought they were going to be very good originally.

Q. Do those labor-management committees have any power to handle grievances or deal with matters relating to collective bargaining?

A. No, they were not established for the purposes of  
368 settling grievances.

Q. Were they production committees, mainly?

A. To increase production in the plants, yes.

Q. In your radio addresses, were you referring to labor-management committees, as such committees, or labor-management committees that might be composed of grievance committees composed of equal numbers of representatives of Management and equal numbers of representatives of Unions?

A. I was referring to labor-management committees whose only purpose was to increase production.

Q. From May, 1944, up to the present time, have there

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been any more or have there been less strikes involving or disputes or disturbances—involving foremen at the Ford Motor Company than for a similar period prior to that time?

Mr. Donovan: Prior to what time?

Mr. Karasick: May 4, 1944, prior to the contract.

Mr. Dahling: You mean, for a similar period of months—October, November, December—approximately three and one-half months?

Mr. Karasick: I mean, for the period from May, 1944, when the contract was signed at the Ford Motor Company, up to the present time, have there been more or less labor disturbances than there were for a similar period prior to that?

369 Trial Examiner Jaffee: What do you mean by "similar period"? Do you mean the same number of months just prior?

Mr. Karasick: That is right.

Mr. Donovan: That has all been gone over, the strikes, the number of men participating, and so forth.

Mr. Karasick: I may suggest, Mr. Examiner, the very reason I am doing this is to make a complete picture. Mr. Donovan, himself, asked for a period from the Wage Classification Agreement up to the present time. I want to see if that picture holds true throughout the period, and I am merely breaking it down now. I am asking about the general picture.

Trial Examiner Jaffee: All right, go ahead.

A. In my opinion, in my testimony, rather, I gave the dates and described all the strikes I am familiar with. Since May 9, 1944, the day on which we signed the present contract, there have been two brief strikes that I described, and one protest that we didn't consider as a strike. In the same period, before May 9—well, there were only three strikes before the signing of the May 9 contract, and I don't know whether that would fall in that period or not without checking. They were strikes, and large numbers of men were involved and they lasted longer.

Mr. Karasick: No further questions.

Mr. Nelson: I have a couple questions.

*Testimony of Robert H. Keys*

**Redirect Examination.**

**370** Q. (By Mr. Nelson) Mr. Keys, there has been one subject matter here of interest that I think none of us have touched, and I may preface my question by reminding you that your testimony is that there are four grades of foremen involved at the Packard Motor Car Company, is that right?

A. Yes.

Q. And there are six included, as shown on page 25 of the agreement with the Ford Motor Company, four grades of foremen involved in the agreement or covered by the agreement with the Ford Motor Company, is that right?

A. Well, it's broader than that. There are six classifications of foremen. Then, in the fire department, you have the Neutenants up to the assistant chiefs, included. Then we have the Marine group, which are mates and pilots. So, in reality, we have about ten or more classifications of foremen in the Ford Motor Company included in the unit.

Q. In the main, however, you have the six classifications?

A. The big bulk is in those six.

Q. And is it a fact you may have all six of these classifications in one building?

A. Yes.

Q. And you frequently do have?

A. Yes.

Q. I want to inquire, in general, of course, whether your experience in the Ford Chapter—and you may include both the period before and after the making of the contract—has brought you any difficulty in dealing within the Association with a classification as broad as that or as numerous as that?

Mr. Dahling: Mr. Examiner, I would like, again, to repeat my objection to any testimony with respect to these matters at the Ford Motor Company. I am making this objection again, so it will not be lost sight of.

Trial Examiner Jaffee: He may answer.

A. I will speak of the period subsequent to the signing of the May 9 contract. The reason I speak of it is because the Ford Motor Company, during negotiations with us,

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wanted to break the bargaining unit into several separate units.

Q. (By Mr. Nelson) Based on classifications?

A. Based on classifications. We, of course, requested a unit, a single unit embracing all of the classifications covered by the contract. However, we did agree—

Q. (Interposing) May I interrupt you a moment and ask if you had some specific negotiations relating to this subject matter with the Ford Motor Company?

A. Oh, yes, several days of it.

Q. All right, go ahead.

A. However, we did arrive at this solution as presently provided for in the contract. We did set the Marine  
372 group up as a separate unit with their own bargaining committee, because their problems are entirely different from the problems of the foremen in the shop.

Q. They are on the lakes and their conditions are different?

A. That is right, they have their own committee, although an officer of the Association can sit in and be present during their negotiations, and so forth, during the processing of grievances. We took the other six classifications of foremen and lieutenants up to the assistant chiefs in the fire department, we put them in one unit, but for purposes of representation, we broke it into three categories. We took the general foremen and the assistant general foremen and made that one level. We took the general shift foremen and the division foremen and made that a level, and we took the division shift foremen and the shop foremen and made that a level, and each level has a representative who is classified from that level, and those three representatives constitute a plant-wide committee, so that when they go into negotiations or discuss a problem, there is a member on that committee of each of the levels of supervision in the plant, and it has proven very satisfactory to our viewpoint, and I feel that the Company thinks it is very satisfactory also.

Q. They have made no complaints.

A. No.

373 Q. (By Mr. Nelson): That is on experiences up to the present time?

*Testimony of Robert H. Keys*

A. Experiences to the present time. In fact, we have even added representation of a couple of the plants where there weren't enough.

Q. Now, in matters of grievances or matters of controversies, no matter what the level of supervision they originated in, they finally wound up in a single channel for handling?

A. That is right.

Q. In a unified single channel?

A. That is right.

Q. I will ask you that question in just a little different form to reach another aspect of it. You had from the beginning a unified chapter at the Ford Motor Company, didn't you?

A. That is right.

Q. One chapter representing all levels of supervision and these extra ones you have indicated?

A. Yes, and all four plants that were organized.

Q. Within the Association and among the supervisory forces referred to affected by this contract, so far as you know, was there any complaint about the unity of the bargaining unit?

A. No, they are very well pleased with it.

374 Q. The foremen themselves are very well pleased?

A. That is right, they attend the same meetings, get acquainted and they assist each other. They set up a spirit of cooperation.

Q. And it extends from one level to the other, does it?

A. Yes. I can answer that question this way, by saying we referred back to the membership, the Ford Motor Company's original plan establishing separate units for each level of supervision. The membership rejected it on the ground that they would rather not have a contract than accept that. The negotiating committee took it back to the Ford Motor Company and said that they would rather do without a contract than accept it, that is the Ford Motor plan, and that the membership had instructed them to say so.

Q. Let me ask you this: Have you experienced any difficulty within the Association or organizations with the



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Ford Motor Company either for contracts or handling matters under it because of the unit of bargaining?

A. Absolutely none.

Q.—There is no complaint either from the Company or the men?

A. None whatsoever.

Q. And as a matter of fact, do you have in mind that the Ford Motor contract provides for this representation at all the Ford plants throughout the country?

A. The contract covers all of the Ford plants automatically when we have a fifty-one per cent majority or a majority of the Ford foremen as members.

Q. In that plant?

A. In that plant.

Q. And you are bearing that in mind in giving the answers to the questions I have just asked you?

A. I am. The description I gave you of the three plant-wide committeemen or representatives a moment ago covers the Rouge, the Bomber plant, which also has the same setup, the Lincoln plant has it and so on and so forth. Each of the four plants where we have a majority represented and they are covered by the contract, they have their own representatives, their own chairmen, plantwide representatives and so forth.

Q. And you have been bearing that in mind in stating that there was no complaint and no difficulty?

A. That is right.

Mr. Nelson: I believe that is all, Mr. Examiner.

Trial Examiner Jaffee: Are there any further questions of the witness?

Mr. Donovan: I have one question here regarding which I believe there was a misunderstanding. I would like to clear that up before the witness is finished.

376 Trial Examiner Jaffee: Go ahead.

**Recross-Examination.**

Q. (By Mr. Donovan): Mr. Keys, you were asked if there was a—there was a little confusion, I think, respecting different statements alleged to have been put in the



*Testimony of Robert H. Keys*

newspapers at or around the time of your War Labor Board hearing, May 18th and May 19th. You were asked, I believe, on one occasion this morning or yesterday—I guess that was yesterday—whether or not—and I would like to ask you this now in order to segregate these questions—I would like to ask you now if it was stated in the Detroit Press on May 18, 1944 or at any other time near that, that you were quoted as saying that it was not the belief of General H. Arnold or Rear Admiral Price which prompted the back-to-work decision and that rather the Foreman's Association of America felt that the War Labor Board was taking a more favorable attitude. If that statement was attributed to you, will you state whether or not you agree that would be your views or not?

Mr. Nelson: I am going to try to keep out of this newspaper business if I can, I object to this.

Trial Examiner Jaffee: I think the form of the question is objectionable.

Q. (By Mr. Donovan): Will you state whether or not if such an assertion was attributed to you by anybody, **377** whether or not that is correct or incorrect?

Mr. Nelson: I object to that as irrelevant and immaterial.

Trial Examiner Jaffee: The objection is sustained as to the form of the question.

Q. (By Mr. Donovan): Do you say that the reason you got the men back to work was because the Foreman's Association of America felt the War Labor Board was taking a more favorable attitude or not?

Mr. Nelson: I believe, Mr. Examiner, that that is immaterial.

Trial Examiner Jaffee: You may answer.

The Witness: No.

Q. (By Mr. Donovan): That is not the reason?

A. No.

Q. And if any such statement appeared in the Press, if it did, then it was inaccurate so far as you are concerned?

Mr. Nelson: I think that is immaterial. Inaccurate statements of the Press are the commonest things in the world.

Trial Examiner Jaffee: I will not comment on that. Let the witness answer. Read the question, please.

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(Question read.)

Mr. Nelson: I would like to call your Honor's attention to the fact that I want to keep out of the newspaper business if I can.

378 Mr. Donovan: I know you would like to.

Trial Examiner Jaffee: Perhaps I am prejudiced. We will go off the record for this discussion.

(Discussion off the record.)

Trial Examiner Jaffee: On the record.

Mr. Donovan, suppose you ask the question again.

Q. (By Mr. Donovan): If such a statement appeared in the press what prompted you to take or rather get the men back to work after those May strikes? It was not because of the statements made by General H. H. Arnold or Rear Admiral Ernest W. Price, was it, or was it because you felt—the Foreman's Association of America that is, felt that now the War Labor Board was going to take a more favorable attitude? Did you ever make any statement like that?

Mr. Nelson: I object to it as being irrelevant and immaterial.

Trial Examiner Jaffee: He may answer.

Mr. Nelson: The whole thing is irrelevant.

Mr. Donovan: Mr. Keys, you said no, didn't you?

The Witness: I said no.

Mr. Donovan: If one of your officers of your Association said that he also denied that General Arnold's appeal had been the principal factor for ending the strike and

379 if he claimed that the Foreman's Association had won a "behind the scenes victory for its objectives" and terminated the strike on that basis, would you or would you not agree with that?

Mr. Nelson: I object to that as being irrelevant and immaterial.

Trial Examiner Jaffee: The objection is sustained.

Mr. Donovan: It is sustained?

Trial Examiner Jaffee: Yes.

Mr. Donovan: All right. That is all we have.

Trial Examiner Jaffee: Are there any further questions of this witness?

Mr. Nelson: I believe not.

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Mr. Donovan: No, we have none.

Trial Examiner Jaffee: I have one, I think. Mr. Keys, let me say preliminarily that this question has to do with the Ford Motor Company and I am going to assume that counsel for the Company objects, so that he will not feel embarrassed in objecting to an examiner's question. I might say parenthetically that hereafter if I do ask questions I wish you would not feel embarrassed in objecting to them. There have been occasions when I have been known to sustain objections to my own questions.

Q. (By Trial Examiner Jaffee): Mr. Keys, you have testified in connection with your supervisory experience at the Ford Motor Company, that if a departmental committeeman from the United Automobile Workers came to you and the matter involved policy that you could not handle it but would have to refer it to the Labor Relations office?

A. That is right.

Q. How do you define, in that connection, the term "policy"?

A. Of course, we had to use our own judgment on a lot of cases that came to us. There were certain cases where we attempted to make a settlement which were overruled by the higher authorities. If it was something that we knew we could do as a foreman without being called on the carpet for it we would do it. If there was any doubt in our mind as to whether we had the authority to do it or not, we would refer it to the higher authorities.

Q. As I recall your earlier testimony, you said among other things that you might try to get a pair of gloves for an employee who complained that he could not get them?

A. That is right.

Q. And that you might direct the moppper-upper to mop up the oil around the machines where it was laying?

A. That is right.

381 Q. I gather from your testimony that it is your opinion—and if I am wrong you can correct me—that you do not consider your role in such matters involves "policy"?

A. Certainly not. The formulation of policy in any manner and—well, perhaps using the oil as an example, it

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certainly is the policy of the Ford Motor Company to use the term "policy"—to keep oil off the floor. Therefore, I knew that I was administering the Company policy when I had the mopper mop up the floor and I did so. The large bulk of the grievances were of the nature that the foreman could dispose of them because they were minor things like mopping up the oil, getting a pair of gloves or helping a man get tools quicker. One of the grievances the workers had was that they had to stand in line ten or fifteen minutes after the bell rang to check their tools in at night. As a foreman I would attempt to get the crib man to expedite that for the men.

Q. You were asked about certain statements or pamphlets entitled "Foreman's Guide to Labor Relations." It is bulletin 66 of the United States Department of Labor or one of the bureaus of the department. One of the excerpts was a statement on page 10 reading as follows: (Reading):

"It goes without saying that the foreman's primary responsibility is to protect the interests and rights

382 of management."

I understood you to testify that you did not agree with that. Have I quoted you correctly?

A. That is right.

Q. What is wrong with it, if anything?

A. Because if he put the interest of management or his employer before anything else well, he might even commit murder.

Q. Well, I assume to begin with that his primary interests, if I may use the expression "primary interest" is to God, and his country and things like that. Such matters aside for the moment, if you can separate them, what is wrong with the statement I have just read?

A. If the statement confines itself to his duties as a foreman and solely on his job then his primary interest would be to do his job on behalf of his employer, yes.

Q. Let me put it in another way. The statement I just read begins "It goes without saying that the foreman's primary" and so forth and so forth. In other words, is it his primary responsibility as a foreman—and I emphasize the word "foreman," to protect the interests and rights of management?

*Testimony of Robert H. Keys*

A. Well, I am trying to confine myself now to just his foremanship and his period of employment in the plant.

Q. Let me put it another way.

383 A. I still cannot see where it is his primary objective to protect the interests and rights of management if he has to do things that hurt other people.

Mr. Donovan: May we have the record reflect the long pause after the Examiner's question which the witness took before he just answered?

Mr. Nelson: It is agreeable with me.

The Witness: If the employer considers it to his best interests to discriminate or discipline or discharge employees it is certainly not the foreman's primary responsibility; so far as I am concerned.

Q. (By Trial Examiner Jaffee): Let's put it this way: You spoke of a situation where a foreman gets a differential of let us say 15 or 20 or 25 cents; why does he get it?

A. Because of the nature of his duties and responsibilities.

Q. Well, he gets paid, doesn't he, to take care of those responsibilities for management?

A. Yes, but there are limitations. If it is looking after machines and seeing that production is produced and so on, within the limitations of what he is paid to do, then that is his primary responsibility but when it gets out of bounds it certainly is not. If his employer is seeking

384 ing to have him as a supervisor, protect his interests and rights by discrimination and other things, certainly that is not his primary responsibility.

Q. I want to change the language which I just read from this bulletin, slightly, and see if you will agree with it. (Reading):

"It goes without saying that a foreman's primary responsibility within the scope of his job as foreman, is to protect the interests and rights of management."

A. Well, I will agree with it now.

Trial Examiner Jaffee: Are there any further questions of this witness?

Mr. Nelson: I have no further questions.



*Testimony of Prosper Traen*

Mr. Donovan: We have no further questions.

Trial Examiner Jaffee: The witness is excused. We will recess at this time until 2:00 P. M.

(Whereupon, at 12:30 P. M. a recess was taken until two o'clock P. M.)

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After Recess.

(Pursuant to recess the hearing was resumed at two o'clock P. M.)

Trial Examiner Jaffee: The hearing is in order.

Mr. Nelson: Shall I call the next witness?

Trial Examiner Jaffee: Yes.

Mr. Nelson: I call Mr. Prosper Traen.

**PROSPER TRAEN,**

a witness called by and on behalf of the Petitioner, being first duly sworn, was examined and testified as follows:

**Direct Examination.**

Q. (By Mr. Nelson): Mr. Traen, your residence, if you please?

Trial Examiner Jaffee: Let us get the name, please.

Q. (By Mr. Nelson): How do you spell your name?

A. P-r-o-s-p-e-r T-r-a-e-n.

Q. And your residence?

A. 21916 Hayes.

Q. How long have you lived in Detroit or in its vicinity?

A. Since 1926.

Q. By the way, are you native born?

A. In Detroit?

Q. Yes.

386 A. No.

Q. Where were you born?

A. Belgium.

Q. Where in Belgium?

A. Near Austin, Belgium.

Q. And you came to this country when?

A. 1913, I think it was.



*Testimony of Prosper Traen*

Q. And have you lived in Detroit most of the time since you came?

A. Since 1926.

Q. And you have been naturalized, have you?

A. Yes.

Q. How long is it since you were naturalized?

A. 1941, I think it was.

Q. Did you have any training in Belgium?

A. No, sir.

Q. You had your training after you came to this country?

A. Yes, sir.

Q. How far did you go in school?

A. The 8th grade.

Q. And then you went to work?

A. Yes, sir.

Q. Did you go to work as an apprentice in some line to learn to be a skilled man or something of that kind?

A. No.

387 Q. You just went to work?

A. I went to work in the coal mines.

Q. Where?

A. In Illinois.

Q. How long did you continue in the coal mines?

A. About nine years.

Q. While there I suppose, Mr. Traen, that you were a member of the miners Union?

A. Yes.

Q. The United Mine Workers of America?

A. Yes, sir.

Q. In what local, if you remember?

A. I do not remember the local.

Q. In what town or city?

A. In Christopher, Illinois.

Q. And you continued to be a member of that union throughout your period as a miner?

A. Yes, sir.

Q. Did you work at the face or on some other trade?

A. I worked during the nine-year period practically at all the trades in the mine.

*Testimony of Prosper Traen*

Q. Was it electrified?

A. Yes, sir.

Q. And you worked as a miner, timber man, trackman, and motorman?

388 A. Yes, sir.

Q. Any other trades?

A. Machine man and cutting coal.

Q. Cutting coal? You were cutting coal there with machines?

A. Yes, sir.

Trial Examiner Jaffee: Were those strip mines?

The Witness: They were shaft mines.

Q. (By Mr. Nelson): The shaft was sunk and the vein was followed out?

A. Yes, sir.

Q. And you apparently did not work on top at any of your trades?

A. No, sir.

Q. Your trades were all below ground?

A. Yes, sir.

Q. Well, after that experience where did you go?

A. After leaving the coal mines I came to Detroit.

Q. By that time had you married?

A. Yes, sir.

Q. You are a married man with a family, are you?

A. Yes, sir.

Q. When you got to Detroit that was what year?

A. 1926.

Q. And you have lived here ever since?

389 A. Yes, sir.

Q. Or hereabouts?

A. Yes.

Q. What has been your work or employment since that time?

A. I have been employed at the Packard Motor since that time.

Q. You came here and went to Packards and have been there ever since?

A. Yes.

Q. That is some eighteen years?

A. Yes.

*Testimony of Prosper Traen*

Q. What did you do when you first went to Packards?

A. I hired in as an assembler.

Q. They were manufacturing automobiles and trucks at that time?

A. Automobiles.

Q. Automobiles?

A. Yes.

Q. How long did you work as an assembler?

A. As an assembler? I practically followed the assembly line up to the war period all the time. On assembly itself about one year and then I was given a promotion.

Q. Where were you promoted? To a supervisory position?

390 A. As a handy man, you might say.

Q. From the assembly line as such you went to a handy man about the assembly line?

A. Yes.

Q. And that went on for how long?

A. In the assembly work?

Q. Yes.

A. I practically started—I mean, I practically stayed in the assembly work all of the time up to this war period.

Q. Until 1941, following Pearl Harbor?

A. Yes.

Q. At any time up to 1941 did you have a supervisory position or rank?

A. Yes, sir.

Q. When did that begin?

A. Well, I was made a straw boss about, oh, I would say about twelve years ago, somewhere in that neighborhood.

Q. And what is your present position?

A. General foreman.

Q. You are employed by the Packard Motor Company now?

A. Yes, sir.

Q. And you are a member of the Packard Chapter of the Foreman's Association of America?

391 A. Yes, sir.

Q. You say you were made a straw boss about twelve years ago?

*Testimony of Prosper Traen*

A. Yes, sir.

Q. On the assembly line?

A. Yes, sir.

Q. And over what portion of the assembly line did you supervise?

A. At that time my supervision extended over the chassis assembly.

Q. And as straw boss, presumably,—or, did you have any foremen under your supervision?

A. At that time, I was the lowest rung of supervision.

Q. You had how many men under you?

A. At that time there was, in one period, we ran as high as 240.

Q. Under your supervision?

A. Yes, sir.

Q. Doing what?

A. Assembling chassis.

Q. And how long did you remain in the position of a straw boss?

A. I think it was in 1935 when we built a new assembly line, and I was changed.

Q. What is the fact from 1926 to 1935 as to whether  
392 you were a member of any labor organization at Packards?

A. No, I was not.

Mr. Donovan: Did you say at Packard?

Mr. Nelson: At Packard.

Q. (By Mr. Nelson): I understood you to say you worked there all that time?

A. Yes, sir.

Q. When the organizing drive came on in 1935, 1936 and 1937 of the maintenance and production workers, you already were a foreman?

A. Yes, sir.

Q. What is your present position, Mr. Traen?

A. General foreman, at this time.

Q. Now, when you say straw boss, there are four grades of foremen with whom we are concerned here— which one of those grades does that correspond to?

A. I would say to assistant foreman.

*Testimony of Prosper Traen*

Q. And that is the lowest grade of foremanship we are concerned with here, is that right?

A. That's right.

Q. Corresponding to the assistant foreman, is that right?

A. Yes, sir.

Q. Now, the general foreman is where in this group of four foremen, where you are now?

A. It starts with assistant foreman, foreman, and  
393 the general foreman.

Q. And that is the next to the highest classification that we are concerned with here?

A. Yes, sir.

Q. You have, however, occupied, have you, the intermediate grades there of foremanship?

A. Yes, sir.

Q. And how many years were you a foreman?

A. About five years, I would say.

Q. On the assembly line?

A. Yes, sir.

Q. What is your present compensation as a general foreman?

A. The base rate is \$304.50 a month. That's for eight hours.

Q. Is there something for overtime?

A. Yes, sir.

Q. Is there any bonus involved in computing your actual compensation?

A. No, sir.

Q. With the overtime and your base rate, what is your average income per month?

A. I would say around five hundred, something like that.

Q. In the neighborhood of \$500.00 per month?

A. Yes, it varies.

394 Q. It varies according to the amount of overtime?

A. Yes.

Q. But \$500.00 would be a fair approximation of it, would it?

A. Somewhere in there, yes.



*Testimony of Prosper Traen*

Q. What was it as a foreman?

Mr. Dahling: May we have the dates, please?

Mr. Nelson: Yes, I will fix the dates in a moment.

Mr. Dahling: Thank you.

A. As a foreman, I worked for \$240.00 a month straight, I guess.

Q. (By Mr. Nelson): And what was the last year in which you worked as a foreman?

A. I think it was 1941.

Q. Do you remember about what part of the year you passed from a foreman to a general foreman?

A. No, I can't just place it exactly.

Q. This \$240 would be the last pay you drew, apparently, is that correct?

A. I started at \$240, then I got a raise to \$260.

Q. So your pay as a foreman ranged from \$240 to \$260?

A. Yes, sir.

Q. And that, again, is the base rate, is it?

A. Yes, sir.

Q. Was there overtime involved at that time?

395 A. At that time we got no overtime pay.

Q. As assistant foreman, what was the last year during which you worked in that position?

A. I just can't place the date.

Q. Do you recall your last pay as assistant foreman?

A. It was an hourly rated pay, but I don't remember it; it's too far back.

Q. But it was an hourly rated pay?

A. Yes.

Q. Can you remember the rate per hour that you were last paid as assistant foreman?

A. No, I can't remember it.

Q. In your present employment, presumably, you have some foremen under your supervision?

A. At this time, I have one assistant foreman.

Q. One assistant foreman?

A. Yes, sir.

Q. Do you have any foremen?

A. No, no foremen under my supervision at this time.

Q. Are you still on the assembly line?

*Testimony of Prosper Traen*

A. No, I am up in the polishing line, now.

Q. How long have you been in the polishing line division now?

A. Since the war program started.

Q. At Packards?

396 A. Yes.

Q. How many maintenance or production workers, or both, do you have under your supervision?

A. At this particular time?

Q. Yes.

A. I think there is somewhere about seventy, right now.

Q. And you have one assistant?

A. One assistant, yes.

Q. And no foremen?

A. No foremen.

Q. Do you know why it is that that particular grade is omitted in your present setup? Is there any reason for it that you know of?

A. Well, I cannot see any particular reason why it should be.

Q. You say you mean that you do not see any reason why there should be a foreman and an assistant foreman under you?

A. I cannot see any particular reason why there shouldn't be one.

Q. Why there shouldn't be?

A. Yes, sir.

Q. What do these seventy men do?

A. They are in—some are polishers and some are platers, polishing and plating.

397 Q. And the parts are parts of what machine?

A. The parts that we produce—we were working on some parts for aircraft motors and some parts for Marine motors.

Q. Parts for motors?

A. Yes.

Q. Prior to the organization of the Packard Chapter of the Foreman's Association of America was there any organization among the foremen at Packards?

A. I understand that there was at one time.

*Testimony of Prosper Traen*

Q. Did you take part in it?

A. No, sir.

Mr. Dahling: I move the answer be stricken as hearsay, Mr. Examiner.

Trial Examiner Jaffee: What is your understanding based on? Personal knowledge or something else?

The Witness: Personal knowledge. My understanding is based on the fact that I was contacted and asked at one time to join with this particular organization.

Trial Examiner Jaffee: It may stay.

Q. (By Mr. Nelson). You did not become a member of that organization?

A. I did not.

Q. Do you recall the year in which that took place?

A. 1937.

398 Q. When did you first hear of the Foreman's Association of America?

A. The first I heard of the Foreman's Association of America was when it was brought to my attention by another foreman in Packard Motor Company.

Q. Well, my question was when, if you can remember?

A. I think it was in October of 1942, I believe it was.

Mr. Donovan: We cannot hear the witness.

Mr. Nelson: He said he believes it is October, 1942.

Q. (By Mr. Nelson). I will give you this much assistance. Was it before or after Pearl Harbor?

A. It was after, I believe.

Q. How long after?

A. I think I can possibly refresh my memory a little bit here from these papers. Yes, it was in 1942 all right.

Q. Did you fix the month as October or some other month?

A. Yes, I think it is October.

Q. And some other foreman called the matter of this organization to your attention?

A. Yes, sir.

Q. What did you do about it?

A. Well, I contacted the offices of the Foreman's Association of America at that time to get more  
399 information on it.

Q. Let me ask you whether you were interested?

*Testimony of Prosper Traen*

A. Very much so.

Q. Why were you interested?

A. I was thoroughly convinced that there was a dire need for a foreman's organization in our plant.

Q. Was that with reference to experiences of other foremen or your own or both?

A. My experiences and other foremen also that I spoke to.

Q. What were the things that were on your mind at that time as indicating the need of an association or organization?

Mr. Dahling: Just a minute, please. I object to that question, Mr. Examiner, as again leading into this matter, I presume, of grievances. I want to get a little ahead of them this time. This hearing has nothing to do with that sort of thing. If counsel desires to develop that I want to head it off as far as possible.

Trial Examiner Jaffee: The witness may answer to indicate merely his reason. It is not to be construed as independent evidence of the many facts, but that it is such reason.

Q. (By Mr. Nelson) I believe, Mr. Examiner, my question was what was his reasons for looking up the  
400 organization that the other foremen had told him about.

A. Well, my reason was I knew that independently I could get nowhere in trying to reason with my superiors and I knew that collectively we could possibly arrive at certain things that would be fair to the foremen.

Q. And were there things in your experience that you regarded as unfair?

A. Yes.

Q. What were they, briefly?

Mr. Dahling: I make the same objection, Mr. Examiner. The witness has stated that there were things that he thought needed the support of unionization apparently, and I think that is sufficient. I do not believe there is anything further necessary.

Trial Examiner Jaffee: The witness may answer with the limitations previously indicated.

*Testimony of Prosper Traen*

The Witness: May I have the question again?

Q. (By Mr. Nelson) The Examiner permits you to answer. What were the things you wanted to take up in a collective form or that you regarded unfair in your situation? The Examiner limited you to your own views and your own experiences.

A. My experience was the demotions from time to time. As the trend of the time might go. If the production went down a little they did not hesitate to cut you down  
401 from a salary to an hourly rate as they seen fit, without question or without asking you whether you liked it or not.

Q. Were there any other things that come back to you now?

A. Yes, the rates of pay, of course, were not commensurate with the hours we put in at that time. I remember personally putting in over eight hours—many hours over eight hours day after day, Saturdays and Sundays without any pay.

Mr. Dahling: May we have the time when this occurred?

Mr. Nelson: Yes.

Q. (By Mr. Nelson): And you fixed the time as when you thought the foremen told you about it, which was October, 1942?

A. Yes.

Q. To what period do these facts apply that you are giving us?

A. These facts apply particularly to the period when we were building automobiles.

Q. Well, did they apply at the time, namely, October, 1942?

A. I believe it was on March 1, 1941 that there was a new policy which went into effect in the paying of foremen's rates.

402 Q. That is, they had a change?

A. There was a change, yes.

Q. Did that change remedy some of these things?

A. Well, it remedied the overtime pay to a certain extent.

Q. And whether or not you as a foreman were con-



*Testimony of Prosper Traen*

sulted about that change or as for your acquiescence to it—

A. We were not.

Q. When you looked up the Foreman's Association of America where did you go and what did you do?

A. When I looked up the Foreman's Association of America we went to Dearborn on Schaefer Road.

Q. By "we" whom do you mean?

A. I mean myself and several other foremen.

Q. Do you mind giving us their names?

A. Yes, I could give you some of them. Mr. Sietz was one of them, Mr. Sullivan was another, and Mr. Pawlowski as a matter of fact, Mr. Nelson, I think the majority of the people you have on your original asked for charter were our first.

Trial Examiner Jaffee: The majority of the people on the original application for a charter with the Packard Company?

Mr. Nelson: That is Petitioner's Exhibit 10.

The Witness: Yes.

403 Q. The majority of those people went with you over to the Carman Theatre Building, is that right?

A. Yes, sir.

Q. Did you see a representative of the Association there?

A. Yes, we met a Mr. Ross there.

Q. He was membership director at that time?

A. I believe he was, yes.

Q. You had a talk with him, did you?

A. Yes, sir.

Q. And did you, and all the other persons that went over from the Packard Company, have a talk with him?

A. Yes, sir.

Q. What did you do following that talk with Mr. Ross?

A. Following that talk with Mr. Ross we signed application cards.

Q. Right there and then?

A. Yes, sir.

Q. How many of them?

A. I think there was between 15 and 20, something like that.

*Testimony of Prosper Traen*

Q. 15 or 20 men?

A. Yes.

Q. What grades of supervision were represented in that group of 15 or 20 men?

A. There was assistant foremen, foremen and general  
404 foremen represented there.

Q. Did everybody sign?

A. Everyone that was there signed.

Q. Everyone who was present at that time signed?

A. Yes, sir.

Q. How long a talk did you have with Mr. Ross?

Mr. Karasick: Mr. Examiner, I do not like to object to the questions on the part of counsel, but I do believe, for the sake of the record, that much of this material can be eliminated. It is not of particular value to the Board.

Trial Examiner Jaffee: I do not think it makes much difference whether the talk was 20 minutes, 30 minutes, or 40 minutes; what time of the day it was, nor the kind of weather.

Mr. Nelson: I offer it on the spontaneity of the organization.

Trial Examiner Jaffee: I know, but I do not think the length of the trial is of any particular moment.

Q. (By Mr. Nelson) What did you do following this conference with Mr. Ross?

A. We went back to the plant and, of course, we talked about the foremen's organization with several more foremen.

Q. Did you do that in a meeting or individually?

A. Well, it was mostly individually, from man to man.

Q. Then what did you do?

405 A. Then the organization grew in leaps and bounds from there on.

Q. You mean at the Packard Motor Car Company?

A. Yes, sir.

Q. You finally made an application for a charter?

A. Yes, sir.

Q. And you were one of the signers?

A. Yes, sir.

*Testimony of Prosper Traen*

Q. The charter was granted?

A. Yes, sir.

Q. And the chapter was formed?

A. Yes, sir.

Q. Did you become an officer of the chapter?

A. Yes, sir.

Q. What office?

A. The first office was as a member of the Executive Board.

Q. What chapter?—I mean, of the chapter?

A. Yes, sir.

Q. By the way, have you ever held a national office?

A. No, sir.

Q. Have you ever, since that time, held an office in the Packard Chapter?

A. Yes, sir.

Q. Have you held any other offices than that as a member of the Executive Board of the Chapter?

406

A. Yes, sir, I am now president of the chapter.

Q. Since when have you been president of the chapter?

A. Since 1942.

Q. Were you the first president?

A. No, there was another president for a short duration.

Q. Than yourself?

A. Yes.

Q. And you have been president ever since, have you?

A. Yes, sir.

Q. Did you have anything to do with the petition that was filed with the National Labor Relations Board for certification of your chapter as the bargaining agent or of the Foreman's Association as bargaining agent of the foremen and supervisory forces at Packard?

Mr. Dahling: Mr. Examiner, I again object to testimony with respect to—I assume this is the first petition for certification that was filed—on the ground that we are not here considering that. There was a new petition filed, and according to the evidence I get in this case, that matter has been dropped, it is dead, and of no further interest that I can see in this proceeding.

*Testimony of Prosper Traen*

Trial Examiner Jaffee: He may answer.

The Witness: Yes, sir.

Q. (By Mr. Nelson) Did you have anything to do  
407 with the negotiations leading up to the consent  
election? Were you at any of the conferences or  
interviews?

A. No, I don't think I was.

Q. Were you here when Mr. Keys described the conferences he had with Mr. Weiss in his office and one or more in the offices of the Seventh Region?

A. Yes.

Q. Were you at any of those meetings?

A. I was at one at the NLRB office.

Q. Now, do you recall whether there was any discussion at that time, Mr. Weiss being present, respecting the inclusion of general foremen in the bargaining unit?

A. Yes, sir.

Q. What is your recollection of that conversation?

A. I remember that Mr. Weiss objected to twelve general foremen on the list.

Q. Did he name them?

A. No, sir, not to my knowledge.

Q. Did he indicate what positions they held?

A. Yes, he indicated that they were general foremen of more than one department.

Q. Do you remember what was said as to how many general foremen in all there were at that time?

A. I believe at that time there was some 90.

Q. And the 12 were indicated by Mr. Weiss as being  
408 ing general foremen with supervision of more than one department?

A. Yes, sir.

Q. Do you recall what was said, finally, as to what should be done about including all or excluding them?

A. I believe it was finally agreed that we would exclude those particular twelve.

Q. And did you thereafter take part in the election?

A. Yes, sir.

Q. Were you present at any of those conferences following the election? I mean, conferences with the Company?

*Testimony of Prosper Traen*

A. I believe—no, I don't think I was; I don't think there was any after that election; not when I was present.

Q. Now, following that agreement in the Seventh Regional Office, were any general foremen advanced, at least by designation by the Packard Company, to the position so called of superintendent or assistant superintendent?

Mr. Dahling: Mr. Examiner, I presume I have a continuing objection to all of this line of testimony with respect to this first arrangement now under discussion.

Trial Examiner Jaffee: Yes, that is right.

Mr. Dahling: Furthermore, on this matter of foremen being promoted to a so-called position, I object to that as being incompetent and irrelevant. I do not see any issue such as that involved in this case.

Trial Examiner Jaffee: He may answer.

409 The Witness: Yes, sir.

Mr. Donovan: Mr. Trial Examiner, I would like to register an objection against the use of the word "so-called" in a question. I think the question should be re-framed, unless that word "so-called" is stricken. It has the vice of carrying an unfavorable connotation against the Employer.

Trial Examiner Jaffee: Of course, the questions are not evidence; the answers are.

Mr. Nelson: All right.

Q. (By Mr. Nelson) How many?

A. Two that I remember.

Q. What were they?

A. One was the vice-president of our Chapter and the other was the president.

Q. What happened to them?

A. They were promoted.

Q. To what ranks?

A. Superintendent and assistant division manager.

Q. And how soon after your organization were they promoted or how soon after their election to those offices were they promoted?

A. Well, it was less than a year. I wouldn't say just exactly.



*Testimony of Prosper Traen*

Q. On their promotion to the offices of superintendent and assistant superintendent, respectively,  
410 what did your chapter do? Did they remain in office or continue their membership or did they withdraw?

A. They were given withdrawal cards.

Q. And, presumably, you proceeded to elect men to succeed them?

A. Yes.

Q. Is that when you became president of the Chapter?

A. Yes, sir.

Q. Mr. Traen, following the consent election—by the way, I wanted to ask you about that—that was held in a building nearby, was it?

A. It was held in a voting booth.

Q. In what month?

A. I think it was in February.

Q. Of 1933?

A. 1943.

Q. 1943, I am sorry. And by "voting booth", you mean one of these little green houses that the City of Detroit furnishes for the voters?

A. Yes, sir.

Q. About how many people could get in that at one time?

Mr. Dahling: Mr. Examiner, I cannot see how the size of the voting booth has any bearing on this case, or the time of the year.

411 Trial Examiner Jaffee: I am going to assume, unless it is contradicted, that it was cold.

Mr. Nelson: It was worse than that; it was zero weather, the men stood outside until they could cast their votes, and you will remember a request was made to cast their votes within the Packard Motor building at some convenient place. I think it bears very distinctly on the spontaneity and determination of these men to organize and cast their votes.

Trial Examiner Jaffee: While you are not confined to one witness, how many witnesses you are going to use, I do not know, but I think it should depend somewhat on the relevancy of the issues involved.

*Testimony of Prosper Traen*

Mr. Nelson: We have no witness so far who has been personally present. It is all hearsay so far as that witness is concerned, as it was brought out on cross examination. I offer now one outright witness on the circumstances.

4 Trial Examiner Jaffee: I am going to exclude it.

Q. (By Mr. Nelson) Did you undertake to adjust grievances and conduct negotiations with the Packard Company officials following the consent election?

A. Yes, sir.

Q. Were you successful in doing so?

A. No, sir.

Q. With respect to what matters did you undertake  
412 to discuss and negotiate with the Company?

A. We attempted to meet with the committee of the Company with a committee of our own.

Q. You mean a committee of the foremen?

A. Yes.

Q. What happened?

A. Just prior to the vote we were told that there would be no further meetings with members of the Company because we were having a vote.

Q. How is that?

A. Because we were having a vote.

Q. Who told you that?

A. Mr. Weiss.

Q. Were you present when it was said?

A. Yes.

Q. Where were you?

A. In Mr. Weiss' office.

Mr. Dahling: We have no objection to this testimony and do not intend to negotiate, if that will save time. Furthermore, that we never did negotiate with any representatives of the Foreman's Association of America.

Trial Examiner Jaffee: Let's see if we can break this up. I understood you to say in the beginning, Mr. Dahling, that you have not negotiated and do not intend to negotiate with representatives of the Association.

413 Mr. Dahling: That is correct.

Trial Examiner Jaffee: And you went on to say that

*Testimony of Prosper Traen*

you never did negotiate with representatives of the Association.

Mr. Dahling: That is correct.

Trial Examiner Jaffee: And to complete the thought, let me ask you, did the Company ever intend to negotiate with the Foreman's Association of America?

Mr. Dahling: The Company never intended to negotiate with the Foreman's Association of America.

Trial Examiner Jaffee: All right.

Q. (By Mr. Nelson) Mr. Traen, how do you describe your present duties?

A. Present duties as general foreman?

Q. Yes.

A. Well, my duties at present consist of getting my orders from the superintendent in the early part of the day and issuing them down the line to the assistant foremen as to the quality and quantity of pieces supposed to be produced.

Q. Have you the power to hire new men? Can you hire a man?

A. I can request.

Q. You can request?

A. Yes, sir.

414 Q. To whom do you send that request?

A. I make out a request for help and I forward it to my superintendent for his signature.

Q. Can you discharge?

A. I can request a discharge.

Q. To whom do you send that for action?

A. The request is sent to the Labor Relations Office.

Q. Can you lay a man off?

A. That has to be requested.

Q. To whom?

A. To the employment department.

Q. Can you send a man home?

A. The only time you can send a man home is if there is a complete agreement with the representative of the rank and file union as to whether you are able to or not; otherwise again you have to appeal to the Labor Relations Department for a decision.

*Testimony of Prosper Traen*

Q. Can you send a man home for as much as one day or two days or three days?

A. There is a set rule of penalties that you can apply if it is proven that the man you are sending home is guilty of the charge you accuse him of.

Q. How far can you go without appealing to somebody above you in sending a man home?

A. You cannot go any further than unless the steward, I will call him, in the department, agrees with you. Then you can apply the penalty, but that is as far as you can go. If he disagrees it goes to the Labor Relations Department hands.

Mr. Dahling: That is the Union steward?

The Witness: Yes. If he agrees with you.

Q. (By Mr. Nelson) Can you raise a man's pay?

A. No, sir.

Q. Can you cut a man's pay?

A. No, sir.

Q. Can you recommend, under the present setup—

A. (Interposing) The price is set on each classification.

Q. By somebody else?

A. Yes, sir.

Q. So you have nothing to do with that?

A. No, sir.

Q. In the event of a slowdown or a layoff, can you call a man back to work?

A. No, sir.

Q. Where does that go?

A. That is handled by—if you need additional help, you apply to the employment department and they in turn send the help to you.

Q. I am assuming that the man has once been satisfactory and has been employed and that he was laid off solely because of a slackness in work and that the work then picks up, can you call that man back to work or is that done by some other department?

A. The employment department.

Q. And perhaps you will get that man or some other man, as far as you are concerned?

*Testimony of Prosper Traen*

A. Yes, sir.

Q. Can you recommend in that respect a request—

A. (Interposing) I have attempted to recommend but failed at it.

Q. You have had no success at it?

A. No, sir.

Q. What about promotions? Can you promote a man? I mean within your own department?

A. No, I cannot promote anybody. You can change from one classification to another, you can ask for a request to change from one classification to another.

Q. That goes where, that request?

A. That request first goes to your superintendent.

Q. But you cannot do it yourself independent of he?

A. No, sir.

Q. Can you transfer a man from one employment to another, from your department to another department, we will say?

A. No, you have to put in a request for a transfer.

Q. Where does that go?

417 A. To the employment department.

Q. Now, that testimony so far applies to the maintenance and production worker or the hourly rated workers under your supervision, is that right?

A. Yes.

Q. Now, coming to any supervision that is under your supervision. You said you had an assistant foreman?

A. Yes.

Q. Under you?

A. Yes.

Q. Can you select that man yourself?

A. The selection is not final until your superintendent agrees with you on it.

Q. You have to refer to him?

A. Yes.

Q. He has the final say?

A. Yes.

Q. Now, can you transfer that man?

A. No, I cannot.



*Testimony of Prosper Traen*

Q. Is there anything you can do to that man except direct him and inform him without the approval from your superintendent?

A. Yes, sir.

Q. And that applies to pay, transfer, rehiring, lay-off, discharge and disciplining and everything else, does it?

418 A. Yes.

Mr. Nelson: You can cross examine.

Mr. Dahling: May we have a recess at this time, please?

Trial Examiner Jaffee: We will take a five minute recess.

(Recess.)

Trial Examiner Jaffee: The hearing will resume.

**Cross-Examination.**

Q. (By Mr. Dahling) Mr. Traen, you testified you were first employed by Packard in 1926, I believe?

A. I think that's when it was.

Q. As an assembler, is that correct?

A. Yes.

Q. Now, what were your duties in that capacity?

A. I was assembling—you mean, right on the job?

Q. Yes. You started in as assembler. What did you do as assembler, what duties and responsibilities were you given on that job?

A. I was assembling on a chassis line.

Q. What do you mean by chassis line?

A. That's the part of the line where they assemble the frame part of the automobile.

Q. That is what is known as the assembly line?

A. That is right.

419 Q. Are there a number of assembly lines in an automobile plant?

A. There is generally one; sometimes it is broken, but there is generally one.

Q. And you were working on just a part of that long line?

A. Yes, sir.

*Testimony of Prosper Traen*

Q. What was your work on these chassis as they came along?

A. Well, I did various jobs on the assembly line.

Q. Tell us about those jobs.

A. I remember working on axles, axle assemblies.

Q. When you say you worked on axle assemblies, what did you do to the axles?

A. Assembling the rear axle assemblies; that's the axle assemblies to the rear axle housings.

Q. You did just one operation, or did you complete the assembly?

A. I did one assembly at a time. I may work on one operation today and on another operation tomorrow. I was moved from job to job to fill in where there was absentees.

Q. At the beginning, that was not true, was it? That was after you became handyman?

A. It started no more than two weeks after I started.

Q. When you speak about the chassis line, that  
420. means there are a number of chassis moving down a line, is that the correct explanation of it?

A. Yes.

Q. And different workers do different jobs as these chassis move by them, is that correct?

A. Yes, sir.

Q. And your one job had to do with the rear axle assembly?

A. That was one of the first jobs that I did.

Q. And other workers on the line would have other jobs, that is, they would attach this to the chassis or tighten that bolt and that sort of thing?

A. Yes.

Q. I believe you testified there were 240 people in that department, workers in that particular department.

A. At one time there were 240, yes.

Q. About what would be the area of the plant that this first department that you were in would cover?

A. The first department I was in was known as the FF Department.

Q. How much, or what was the floor space?

A. Oh, it consisted of at that time, I believe it con-

*Testimony of Prosper Traen*

sisted of one complete court building and part of another building.

Q. How much would this court building be?

A. I couldn't say in feet how much it would be:  
421 it was quite long, though.

Q. Would you say it is over 100 feet long?

A. Oh, yes.

Q. 200 feet?

A. I would say about—speaking roughly, maybe 500 feet.

Q. All I want is your best recollection, Mr. Traen.

A. It might be 500 feet, I don't know just exactly.

Q. These 240 men would be strung out along this assembly line for this 500 feet?

A. Yes, plus the feeder lines.

Q. Those feeder lines would be coming in from the side to feed the main central lines?

A. Yes.

Q. And you had nothing to do with the feeder lines and were on the main chassis assembly line?

A. I may have worked one day on the feeder line and the next day on the main line. I was moved around from time to time.

Q. And that is when you became a handyman, when you were moved around in this manner?

A. No, I was doing that some time before I was actually given the handyman title.

Q. You were then promoted to be a straw boss, which you say is the same as an assistant foreman?

A. Yes, it carries the same duties.

422 Q. Can you give us about the time you received this promotion?

A. Well,—

Q. (Interposing) Just your best recollection, Mr. Traen.

A. I would say it was somewhere around twelve years ago, or something like that.

Q. About twelve years ago? That would be about 1932, then, you would say?

A. Yes.

*Testimony of Prosper Traen*

Q. And that would be six years after you first were employed by Packard?

A. Possibly.

Q. After you became an assistant foreman or straw boss, as you call it, what did you do? What were your duties?

A. As a straw boss?

Q. Yes, as a straw boss.

A. As a straw boss, I was a direct assistant to the foreman in charge of the FF line.

Q. Were there more than one foreman at that time? Was there more than one foreman at that time?

A. There was one foreman.

Q. One foreman?

A. Yes.

Q. Was there a general foreman in that particular department?

423 A. I do not believe there was a general foreman at that time.

Q. And you say you were under him as his assistant? What did you do as his assistant?

A. Well, I worked directly under his supervision, so to say, checking the quality and quantity of cars that were moved down the line.

Q. You were on the floor all the time, I presume, during your shift?

A. Yes, sir.

Q. How long were you in that position as assistant foreman?

A. I think it was in 1935 or 1936 that we moved to a new department.

Q. You were then made a foreman?

A. No, I wasn't. I was put in charge of the chassis department in the X Division at that time, but if I recollect right, I was still under the category of assistant foreman.

Q. Assistant foreman? As I get your testimony, you took directions from your foreman and he instructed you as to what you were to do?

A. Yes.

Q. And you carried out these directions?

A. Yes.

*Testimony of Prosper Traen*

424 Q. In carrying out these directions, you, of course, instructed the men under you as to their work, as to how it should be done, and so forth?

A. Yes.

Q. You were just carrying down through the chain these directions that you received from higher up?

A. Yes.

Q. Then you went into the X Division and you were still an assistant foreman. You were later promoted to a foreman; were you not?

A. Yes.

Q. And about when was that?

A. I don't know, I can't remember the date.

Q. After you were made a foreman, did your duties change?

A. Yes.

Q. After that, did you have assistant foremen under you?

A. Yes.

Q. And you directed the work of these assistant foremen?

A. Yes.

Q. They, in turn, carried that work down to the workers?

A. Yes.

Q. When were you made general foreman?

A. I think it was in 1942.

Q. It was in 1942?

A. I think it was, I am not too sure about it.

425 Q. Was that when you took over your present job?

A. A while after I took over the present job.

Q. Well, we will say they stopped manufacturing cars around February, 1942. Would that be about the day?

A. No, it was a little later than that. I was up in this department where I am now a while before I got the general foremanship.

Q. Your present department is known as what?

A. In letters, you mean? The symbol, you mean?

Q. Yes, the symbol.

A. S. D. E.

Q. What work is carried on in that department?

A. Polishing and plating.

Q. Is that in a separate building of the plant?



*Testimony of Prosper Traen*

A. Yes, it is known as Building 19, on the third floor.

Q. About how large is that building?

A. Well, I am not a very good judge in feet. Possibly 150; possibly, I don't know; I'm not too sure.

Q. 150 feet long and about how wide?

A. Oh, maybe 50 feet.

Q. And you have about 70 men directly under your supervision?

A. At present, yes.

Q. What do these men do in that department?

A. On the third floor, we have polishers.

426 Q. What do they polish?

A. They polish, oh, aircraft rocker arms, various aircraft castings, marine connecting rods and marine rocker arms.

Q. When you say they polish these, what is the operation?

A. Well, a casting may come in very rough and it may require a very fine finish and we polish it down to that very fine finish.

Q. It is necessary to have that fine finish if that particular part is to operate properly?

A. It is necessary to have that fine finish before it will go through inspection.

Q. If it does not go through inspection, it would not operate properly if it did not have the fine finish, is that true?

A. That, I don't know.

Q. You think it would operate perfectly all right even though you did not polish it?

A. We don't attempt to question the Army Inspection on any of those parts. We do them as they say they want them done.

Q. So you do not know whether or not this particular operation of yours is of any particular importance?

A. I would say any operation is of importance, because if it wasn't of any importance, they wouldn't have it done.

427 Q. That would be true, would it not?

A. Yes.

R

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Q. And, therefore, it must be true that these particular parts must be polished in a certain manner?

A. Yes.

Q. And you believe that to be true?

A. Yes.

Q. About how many of these people do this polishing?

A. At the present time, I would say about—there must be about 56.

Q. 56 out of the 70 people you supervise?

A. Yes.

Q. What do the other 24 do?

A. The other 14, you mean?

Q. Yes, I am sorry.

A. The other fourteen are platers.

Q. What do you mean by platers?

A. Plating various items, such as chromium plating and cadmium plating.

Q. What do you plate?

A. We chrome plate some tools.

Q. What is the reason for plating those tools?

A. In some cases where they send them down from the tool room and request a certain amount of platings put on any tool, why; if they request a thousandth  
428 additional plating on it, we put the thousandth on it.

Q. When you speak of a tool, what do you have in mind?

A. It might be tools from certain machines. Of course, we don't know where they come from nor do we question where they come from.

Q. Just so we will know about this, what is a tool, in automotive parlance?

A. Tools can fit in lots of categories. Parts might come to us called a tool that might have come from a fixture somewhere which might be badly worn and which they want built up. That, of course, comes to us as a tool. We have no way of knowing where it comes from; it just comes to us as a tool order.

Q. What I have in mind, Mr. Traen, is this, are these tools used to machine parts of the engines, or what is

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the purpose of haying this tool? Do you mean, cutting tools?

A. No, they are not cutting tools. They may be parts of fixtures and they come to us under a tool order for a chrome buildup.

Q. When you speak of fixture, do you mean a fixture used on an assembly line?

A. Well, I don't know. They come all torn down, just parts of the fixtures. We don't know where they come from.

Q. (By Mr. Dahling) Does this material come to you?

429 Well, we will take these connecting rods and the parts you polish. Does that come to you on an assembly line, or how does it reach you?

A. The material is brought to us by truck.

Q. And are a certain number of pieces brought to you each shift?

A. Yes.

Q. By the way, what shift do you have charge of?

A. The night shift.

Q. Is there another foreman on the other shift?

A. Yes, sir.

Q. And you have some of these parts to polish, we will say, on your shift, is that true?

A. Yes.

Q. Now, if you did not secure the proper quantity, would that have any effect upon production?

A. If the proper quantity was not delivered to me?

Q. Yes. If you did not deliver the required production in any one day, would that have any effect upon any of the other departments in the Company?

A. Yes, sir.

Q. In other words, there are a large number of departments, aren't there, Mr. Traen?

A. Yes, sir.

Q. In the Packard Company?

A. Sure.

430 Q. And those departments are all inter-related and if one falls down it might stop all the rest of them?

A. It would only affect that particular part they are working on.

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Q. But if you did not get out enough crankshafts for these engines, it would stop the assembly line of engines, would it not?

A. Yes, because the assembly line would be affected by crankshafts.

Q. And that would reduce the production of engines by the Packard Motor Car Company, wouldn't it?

A. Yes.

Q. So that it is important that you see you get your allotted production out each day?

A. Yes.

Q. Now, it is also very important that your production be up to quality?

A. Yes.

Q. You have to get by an Army inspection, as I understand it?

A. Yes.

Q. Is that inspection in your department?

A. No. We have one inspection before it gets to the Army inspection.

Q. Who is in charge of that inspection?

431 A. There is what is known as a Packard inspection.

Q. So that when you complete the polishing, it goes to the Packard inspection and then to the Army inspection?

A. Yes.

Q. What happens if the particular part is not passed by the inspectors?

A. If it is rejected, it comes back to us.

Q. And then it has to be worked over again?

A. Yes.

Q. Of course, if you had a lot of rejections, that would mean that the work of your department would be slowed up, wouldn't it?

A. Yes.

Q. And that again might affect the production of these engines that Packard manufactures?

A. Yes.

Q. And those engines are manufactured, are they not, for the Army and Navy?

A. Yes.

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Q. Now then, as general foreman, Mr. Traen, you have to plan your work, do you not, so that you can get it out according to schedule?

A. The schedule is planned for us.

Q. Yes. You receive this schedule and that schedule sets forth what you are supposed to produce in your  
432 department, doesn't it?

A. Yes.

Q. What do you do to bring about that production?

A. When I receive the schedule, then I must study the time on the particular scheduled part to see how much manpower I am allowed to produce a certain amount of parts for so many hours.

Q. Well, you say that you study the time schedule. Do you mean the time in which—

A. (Interposing) The time study.

Q. I do not understand what you mean by "time study."

A. Do you want me to explain the time study?

Q. Yes.

A. A part being produced in a department is always time studied by the time study department. That is to say, the amount of parts each man can produce in a certain amount of time.

Q. And if you have so many parts to produce, then you would feel that you would have to have so many men to produce them?

A. That is right.

Q. After you have studied that time schedule, what do you do next?

A. After studying the time schedule, the time study schedule,—that in turn tells me how many men I  
433 will need on the job to produce the required amount of production.

Trial Examiner Jaffee: Then it is just a matter of arithmetic?

The Witness: Yes, that is what it is.

Q. (By Mr. Dahling) Are some of the men you have more efficient than others?

A. Yes.

Q. Could they produce more than the others might pro-



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duce or do you just require each man to get out a certain number of parts?

A. Each man is required to produce the amount of parts.

Q. And that does not make any difference whether some have greater ability than others and could produce more? They produce a certain amount during a shift?

A. That is right.

Q. If you find that you have not enough men to perform the job, what do you do?

A. Then I request from the superintendent for more help.

Q. And you make out some sort of form?

A. Yes, we have a request for additional help form that we make out.

Q. What is the usual reception given to that form when you send it in?

A. When we send the form to the superintendent we must explain why we need additional help, and if  
434 he so approves and signs his name to it, it is forwarded to the division manager.

Q. And then the division manager supplies you with that additional help?

A. I know that he sends the requisition to the employment department and they supply the help.

Q. And after you then have the number of men you need in your department, what do you do about arranging them?

A. When the required number of help comes in a department, why, we turn them over to the assistant foreman and he in turn places the men on some particular job where the required parts are needed.

Q. Then each man does not perform an identical job?

A. No, not necessarily.

Q. There are different types of jobs in the department?

A. That is right.

Q. And you have to select the men that are capable of doing this particular job, do you not?

A. Well, we have no way of knowing when a new man comes in, what his ability is. We have to put him on a job and find out.

Q. We will get to that later, Mr. Traen. Now, what do

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you do if you find that these trucks are not coming through with the material on them that is to be polished?

A. Well, when the material does not come through,  
435 I call the foreman in charge of the trucking department or stock department and relay a message to him.

Q. And you ask him to get it through to you to keep your production up?

A. Yes.

Q. Now, after you have completed your operation—rather, after your department has completed the operation on these parts, what do you do then?

A. After the operations are completed if they are passed through inspection and okayed, then I am all done with it.

Q. Do you then see that they are trucked to the next operation?

A. No, I don't. That is up to the foreman in charge of the trucking department.

Q. However, if it accumulated, you would call again to get them out of your way?

A. Certainly.

Q. In connection with these polishing jobs and also with the plating jobs, do you work according to a certain specification?

A. In some jobs—on some jobs we do.

Q. You are required to meet certain specifications?

A. Yes.

Q. On your polishing jobs, what would the specifications be? Would it have to have a mirror-like surface,  
436 or what is the rule?

A. Well, the polishing job that we do now is more or less of a rough polishing job. The actual fine polishing has been done away with.

Q. That has been done away with at the present time?

A. To a large extent, it has.

Q. Did you originally have a fine polishing job on these parts?

A. Yes, sometime ago.

Q. And it was found not necessary? Was this change made to increase production?

A. It was found unnecessary, as I understand it. I do

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not know but I just got the instructions that we could cut that fine polishing out and that is what we do.

Q. Even so, it has to be polished down to a certain point, I take it?

A. Yes.

Q. And it is your responsibility to see that that job is done and properly done?

A. Yes.

Q. Now, if you found that a number of these parts were coming back to you because of failure to pass inspection, what would you do about it?

A. In all cases where we find rejected parts, we always—  
I always consult with my assistant and try to inquire  
437 as to where the particular parts came from or who produced the particular parts. Then, in turn, we discuss the flaw with the man who produced the parts and try to point out to him where he was wrong.

Q. When you say you discussed that with your assistant, you mean the assistant foreman in your department?

A. Yes.

Q. Then you go to the man himself with the assistant to discuss the reason for the part having been rejected?

A. Yes.

Q. Of course, if a large number of parts are rejected, that increases the cost or might increase the cost materially, Mr. Traen?

A. Well, it would. I would have no way of knowing. I do not know just what the cost of that material is. I imagine it would increase the cost.

Q. And it would really be your duty, then, to see that there were just as few rejections as possible, would it not?

A. Yes.

Q. And your one purpose, rather, one of your purposes would be, of course, to keep the cost down?

A. My one purpose there is to do a good job, and if that is doing a good job, that is what I want to do.

Q. In doing a good job, you would, of course, keep  
438 the cost down?

A. I would keep the scrap down as low as I can.

Q. Now, we will say you send for these extra men you may need some morning, and you look them over, you say,

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and then you put them to work and you find that a couple of those men cannot produce, they do not know anything about the job, what do you do?

A. If we have individuals who cannot meet production as to quality and quantity, there is an agreement with the rank and file organization that we can give them what they call a reasonable length of time for a tryout, and if these people fail to meet the requirements in that reasonable length of time, we refer them back to the employment office.

Q. And you ask to have them taken out of your department?

A. We request that, yes.

Q. During that training period, your assistants train these people?

A. The leaders in the department and the assistant foreman.

Q. And that assistant foreman does this job at your direction, I take it?

A. Yes.

Q. Do you ever give a hand on that sort of thing?

A. No, I don't have to do that.

Q. Now, in connection with this polishing and plating, I presume that you use certain tools or fixtures?

A. Yes, we use polishing wheels.

Q. Polishing tools?

A. Polishing wheels.

Q. Is that a tool with emery on it, or is it some other type of apparatus?

A. It is a tool with emery on it.

Q. And they hold the part to the emery wheel and that brings about the polishing?

A. That's right.

Q. It is necessary to see that these tools and fixtures are maintained in good working order, is it not?

A. Our emery wheels are shipped out daily to a room where the emery is put on and the wheels are put in good shape.

Q. And if any defective wheels should come in, of course, it would be up to you to see that they were not put on the machines and used, would it not?

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A. If defective wheels are sent to us, the polisher, himself, will never put one on.

Q. What happens to that then?

A. He cleans the wheel off and sends it back up for remounting.

Q. Does he send that himself or is that called to your attention or your assistant's attention?

A. If it happens too often, it is called to our attention.

Q. What do you do then?

440 A. We, in turn, contact the foreman in charge of the room fixing the wheels and explain that such a condition does exist.

Q. In that connection, it is, of course, necessary, is it now, that these tools be properly used?

A. Yes.

Q. If they are not properly used, why, of course, you would wear them out too rapidly, particularly your emery wheels?

A. Yes.

Q. Would it be your duty or the duty of your assistant to check back to see that you did not run up the cost by using too much material?

A. Well, that's something, on these particular wheels having experienced polishers, we don't run up against that.

Q. That is, when you have experienced polishers, you have no trouble?

A. That's right, and I have experienced polishers at the present time.

Q. If you got a new man on the job, one of your duties would be to see that he did not destroy tools?

A. If a worker works in such a way as to destroy tools, why, he don't do a good job.

Q. You are interested, are you not, in keeping costs in your department down?

441 A. I am interested in turning out a good job.

Q. That did not answer my question. Are you not interested in keeping the cost of your department down?

A. Well, the cost of the department, of course, is something I very seldom see. The cost of any one item I very seldom see.

Q. That may be true, Mr. Traen, but you still have not



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answered my question. Do you or do you not have interest in keeping the cost of your department down as low as it can be efficiently kept down for the benefit of the Company and for the benefit of the taxpayers today?

A. Yes, as I said before, efficiency is one of the things, and efficiency, I imagine, comes into that.

Q. You believe your efficiency will keep these costs down?

A. I believe so.

Q. If it is a question of efficiency, efficiency against cost, you would go for efficiency first?

A. Well, I imagine the efficiency directly affects the cost.

Q. Now, I believe you testified that you considered it your responsibility and duty to Management to eliminate scrap, did you not?

A. Yes.

Q. Where, in your department, would you have scrap?

442. A. Well, I may have scrap parts in case an operator got a little careless and possibly ground a part down under size. I would have scrap then.

Q. You have to keep constantly putting calipers, or measuring apparatuses, on these parts to see that you do not cut down below the specifications?

A. The operators have specifications for their work.

Q. I suppose you could also have scrap in your plating department?

A. Yes, it is possible.

Q. Those plating materials are quite hard to get at the present time, are they not?

A. Yes, at times we find them hard to get.

Q. And so you operate efficiently, I presume, but you also see to it that you do not have too many men in your department, is that correct?

A. The man load is figured, as I said before, according to the time study, and we are allowed a certain amount of men to produce a certain number of parts.

Q. If you have more men than that for some particular reason, you would request a removal, would you?

A. We would request a removal, yes.

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Q. Now, when these men are sent to you, we will say, we will say you requisition some men for the job, do you talk with them before you put them on the job?

**443** A. Yes.

Q. And knowing the requirements of the job, you size up these men to see what sort of a job you think they would do?

A. I talk to them and try to inquire as to their past experience.

Q. You know what type of experience is necessary for the work in your department and the various jobs and it is your idea to select the right man for the right job, is it?

A. About the only inquiry we can make, as far as my department is concerned, if an employee comes in, I can inquire as to whether he had any experience in that particular line of work.

Q. If he has had no experience in that particular line of work, you conduct your inquiry as to what types of work he might have done, to see if he might fit into any other operation you have?

A. We find, as a general rule, when the employment department sends these people in as polishers, we find they have had some experience.

Q. But even so, I suppose some of the men that come in would work better on one type of job than on another type in your department?

A. That could be possible, but we don't know that  
**444** until we find it out.

Q. But when you do find it out, you exercise your discretion and judgment in moving them around, do you not?

A. That is right.

Q. Now, when these people come in—I believe you said you put them on the job—but are they given instruction on the job?

A. Yes.

Q. And I believe you used the word leaders, did you not?

A. Yes.

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Q. Where do these leaders fit in, are they below the assistant foremen?

A. Yes.

Q. Are they directly responsible to him?

A. To the assistant foreman?

Q. Yes.

A. Yes, sir.

Q. In connection with the instruction, is he the chief professor?

A. You mean the leader?

Q. Yes.

A. The leader does the instructing?

Q. Subject to the supervision of the assistant foreman?

A. Yes, sir.

Q. Now, what do you do, we will say, in the event  
445 you have a man who is constantly absent?

A. If a man is constantly absent, why, we take his record and send a query through to Labor Relations notifying them of this man's bad record and ask for a disposition on it.

Q. Do you ever recommend that these men be taken out of your department?

A. We have recommended it.

Q. Have you ever recommended a discharge in a case of that sort?

A. The recommendation goes directly to Labor Relations.

Q. But I mean, have you ever made such a recommendation?

A. Oh, yes.

Q. And have your recommendations been carried out by Labor Relations?

A. Not always, by no means.

Q. Have some of them been carried out?

A. After they had an extended hearing.

Q. Now, you talk about extended hearings. Why are these hearings held, Mr. Traen?

A. Well, I imagine the hearings are held to see if the parties are guilty as charged.

Q. These hearings are held because they are required to be held under the UAW-CIO contract, are they not?

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A. Yes, there is such a clause in there.

Q. Yes. You know that to be a fact, do you not?

446 A. Yes.

Q. And if the steward does not agree with the recommendation you make, a hearing can be held, is that correct?

A. That is correct.

Q. You have found, have you, that sometimes the Labor Relations Department does not agree with you?

A. Often.

Q. Are you of the opinion that you were one hundred per cent right in all those cases?

A. Well, I wouldn't say one hundred per cent right, but I certainly try to practice good judgment and when I make these recommendations, to my mind, there is no shadow of doubt.

Q. But you appreciate the fact that other people might put a different conception upon the facts in the case?

A. That is possible.

Q. And you do not believe that Labor Relations is disagreeing with you because they do not like you?

A. No, I don't know whether they like me or not; I don't ask them.

Q. I mean, that is not your feeling, that they disagree with you for that reason?

A. There may be a lot of reasons why they disagree, and I don't ask them why.

Q. They may have a perfectly good reason for  
447 disagreeing with you, is that not correct?

A. That is possible too.

Q. Well, we will say a man comes in your department and he has been drinking, what do you do?

A. If a man has been drinking or if he comes in drunk?

Q. Let us say he comes in drunk.

A. If an individual comes in drunk, we ask the guards, the plant guards, to remove the individual.

Q. Do you make any report on that?

A. Not necessarily.

Q. But you could make a report, could you not?

A. I could make a report to my superior.

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Q. You ~~could~~ accompany that report with a recommendation as to the discipline, could you not?

A. Yes.

Q. And you have, have you not?

A. Yes, I have.

448 Q. Well, let's take the case of workers in your department getting into a fight, what action do you take about that when that happens?

A. The workers get into a fight in the department? There is a defined penalty set for such violations.

Q. That is set by management, is it?

A. Yes.

Q. What is that penalty?

A. At the present time I think it is three days off—three days off and then there is another penalty of two days off or something like that.

Q. What do you do when you discover these men fighting after you have stopped them from fighting? Do you recommend any disciplinary action?

A. After that we do make a recommendation to the Labor Relations office.

Q. If the steward agrees with that recommendation is it necessary for a foreman to send it up to the Labor Relations office?

A. If the steward agrees with the recommendation the penalty goes into effect.

Q. And that is the end of the case?

A. Yes.

Q. That is also the situation in connection with these other disciplinary measures you might use, if the  
449 steward agrees with them, and if it is a question of days off and that sort of thing, it automatically goes into effect, is that the fact?

A. Not always.

Q. You mean that there can be an appeal by the worker beyond the steward?

A. Yes.

Q. And that is also covered by the contract with the UAW?

A. Yes, I believe they appeal to a higher office in the Labor Relations office.



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Q. So that the principal reason why your disciplinary measures are not carried out would be that the workers may have a right of appeal under their UAW contract?.

A. They do have a right of appeal.

Q. And if it was not for that, however, these penalties of days off for fighting and that sort of thing, would be automatically placed in operation?

Trial Examiner Jaffee: You mean if the steward agreed?

Mr. Dahling: Yes.

Q. (By Mr. Dahling): If there was no contract covering it. The point I am trying to make is that Labor Relations are not holding up the foremen on disciplinary penalties involving days off. They go through au-

450 tomatically unless they are held up because of a union contract. Isn't that true?

A. Not always.

Q. What happens in those "not always" cases?

A. There are many times when requests are put in of that type to Labor Relations, and although you might attempt to hear the case, oftentimes it is put off as much as thirty days before you hear any more about it. In fact, you forget about the case before they are again called to your attention.

Q. It is put off by whom?

A. I don't know.

Q. Who are those cases between?

A. Labor Relations and the rank and file representatives of the Union.

Q. Of the Union?

A. Yes.

Q. What happens if you find people gambling in the department?

A. Once again there is a set penalty set by management for any individual caught gambling.

Q. What is that penalty?

A. I think it is three days off.

Q. And you automatically assess that penalty against the people found gambling, don't you?

451 A. We send a query through the personnel office.

Q. When you say query, what do you mean by that?

A. A request for a particular penalty being applied.

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Q. Isn't it a fact that under the form you apply the penalty and make no request at all?

A. No, we must make a query, there must be a query.

Q. In other words, under the form for gambling you have to request that the penalty be applied?

A. As set, yes.

Q. You do not apply it yourself?

A. No, that is a set penalty.

Q. Now, in connection with grievance matters, which the workers might bring up, where do you, as general foreman, stand in that picture?

A. The grievances, I would say, not concerning Company policy, are generally brought to the foreman's attention.

Q. Now, you say "Company policy." What do you mean by "Company policy", Mr. Traen?

A. Well, such as hours worked, rates of pay or policies that might affect other departments than your own. That I understand is set by management.

Q. Those are set by management but you, as a matter of fact, do carry a lot of the policies of management, do you not?

A. Meaning what?

452 Q. Well, isn't it a policy of management; we will say, that men who are caught gambling be given three days off? Wouldn't that be a policy of management?

A. I do not know that you could call that a policy. I think it is an agreed fact between the rank and file officers and management.

Q. Well, it is part of your duty, is it not, to keep your department clean so that it will properly function?

A. Yes.

Q. Would you say that that is a policy of management or not, to keep the department clean?

A. Well, I do not know whether you would call it a policy or not. It is certainly for the good of the men in the department and your own good. It pays to keep your department clean.

Q. I want to know what you mean by "policy," Mr. Traen. It would be the policy of the Company, would it

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not, to make these engines for the government and see that all of those parts are properly machined and the parts you are working on are properly polished?

A. That again is not a policy, it is an absolute necessity.

Q. That is true.

A. Before they can sell that part.

Q. Do you differentiate between a rule and a policy.

**453** Mr. Traen?

A. There might be some differentiation, yes.

Q. Wouldn't the rule ordinarily be established to carry out some policy?

A. Possibly, yes.

Q. So that in carrying out these rules, if you care to call them that, of management, you as a foreman are carrying out the policy of management, are you not?

A. We may carry it out as they set it down.

Q. You do not make the policies, you mean?

A. No, we follow the policies, to a certain extent.

Q. The policies of management, that is. It is a part of your duties to carry out that policy, is it not?

A. Yes, to follow the policies as they set it for us.

Q. You as a general foreman, can make recommendations to your manager or the higher ups in the line, can you not?

A. Regarding what?

Q. Regarding the improvement in the operation of your department, for instance?

A. Well, we can make recommendations for certain improvements, yes.

Q. And you could recommend that an operation be carried through in some manner other than that which it is being carried through and which in your opinion

**454** would be more efficient, isn't that true?

A. No.

Q. You could not make such a recommendation?

A. No, that is generally taken care of by a department.

Q. I asked you if you could make such a recommendation?

A. I could make it but it does not necessarily mean it would be acted upon. That function is carried by another department.

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Q. But you could make recommendations which in your opinion would increase the efficiency of your department?

A. Yes.

Q. Have you ever made any such recommendations?

A. Yes, from time to time.

Q. And some of those recommendations have been carried into effect, haven't they?

A. Not until after the department directly connected with that particular phase of the work had come down and discussed it with myself and the superintendent.

Q. After it was discussed by the superintendent and you and the department heads, some of them were placed in effect, were they not?

A. Once in a while, yes.

Q. Is there any question in your mind that with your long experience here that you have made some recommendations that were eventually carried into effect?

455 A. There have been some carried into effect.

Q. As a matter of fact, after this change has been made it becomes the policy of the Company to do the job in that way, doesn't it?

A. Well, I do not know where you connect policy with anything like that. I cannot understand that.

Q. At any rate, it becomes the manner of handling the operation of the Company after that time?

A. After the time—that is the way the operation is done.

Q. You, of course, by your recommendations, were responsible in changing them over from the way they were operating?

A. I just suggested it.

Q. You made these suggestions and your suggestions were carried out?

A. Carried out by other parties.

Q. That you say, however, is not, in your opinion, a change in the policy of the Company?

A. No, I do not think so. It is just a change in the way the work is going to be done or the way in which the operation is going to be followed at times.

Q. Mr. Traen, will you just list for us some of the things that you think come within the definition of policy?

*Testimony of Prosper Traen*

In the third place, I think we are spending a good deal of time on what we might term "policies" for a minute. I can easily see why people might apply different definitions to it, although they are thinking about similar facts. For instance, it might be, in one sense, said to be the policy of the Company to keep the plant clean. It  
463 might be the particular "policy" of the sweeper-upper to apply his broom east and west rather than north and south, or, in another sense, you might say it is his rule, practice or his custom. I should suppose, using the rather extreme example I just referred to, that we should not properly dignify that particular operation to describe a policy. But, personally, I do not think it makes much difference whether we call it policy or something else, so long as we agree on the primary facts.

I am wondering whether or not it pays to spend so much time on questions which involve adjectives, or questions which involve inferences to be drawn from evidence, if, to begin with, we can agree on the primary facts. I do not ask you now to indicate any agreement on what I have said; I merely throw it out to you, gentlemen with the hope that some way might be found to shorten the rest of this hearing on matters concerning which I anticipate there may not be much dispute at all.

We will adjourn until nine-thirty tomorrow morning.

(Whereupon, at 4:35 o'clock p. m., Wednesday, December 20, 1944, the hearing in the above-entitled matter was adjourned to Thursday, December 21, 1944, at 9:30 o'clock a. m.)

464 Room 737 Federal Building,  
Detroit, Michigan  
Thursday, December 21, 1944.

Pursuant to adjournment, the above-entitled matter came on for hearing at 9:30 A. M.

Before: Samuel H. Jaffee, Trial Examiner.



*Testimony of Prosper Traen*

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PROCEEDINGS.

Trial Examiner Jaffee: Gentlemen, the hearing is in order. Mr. Traen, will you take the stand.

PROSPER TRAEN

resumed the stand, was examined and testified further as follows:

**Cross-Examination** (Continued).

Q. (By Mr. Dahling): Mr. Traen, you have testified that you are a general foreman?

A. Yes, sir.

Q. And I do not believe we went into your duties and responsibilities in that connection. I would like to go into that briefly this morning. You as a general foreman have charge of just one department, is that right?

A. S. D. E.

Q. And other general foremen have charge of more than one department?

A. They may have some that have charge of more than one.

Q. And you do not know of that situation, however?

A. No, I do not. I wouldn't know the departments, or anything like that.

Q. You have under you just one assistant foreman?

A. Yes, sir.

Q. Do you know whether other general foremen have under them and supervise more than one foreman  
467 or assistant foreman?

A. They do.

Q. And in some cases they may have a number of general foremen and a number of assistant foremen, is that right?

A. I didn't get that.

Q. In some cases the general foreman may have under him a number of foremen and a number of assistant foremen under his supervision?

A. Yes.

Q. As a general foreman, of course, it is your responsi-

*Testimony of Prosper Traen*

A. What I think comes under the definition of the policy?

456 Q. Yes. What you have in mind as coming within the definition of policy?

A. As I said before, I made the statement before what I thought policy was, such as fixing the rate of pay for employees, setting the hours of work or changing certain rules that affect more than your own department. That is the policy of management. For any rule put into effect that affects all the departments throughout the plant is a policy that is set down by management.

Q. And those rules would be principally, as I take it, fixing rates of pay and setting the hours of work. That would be it generally, and perhaps covering the entire operation of the Company?

A. Yes.

Q. Do you have any more specific rules in mind?

A. No, there may be more but I do not have any in mind right now.

Q. Do you, in connection with the operation of your department, encourage the workers to make suggestions as to the manner in which the department could be improved?

A. I do not have to do that because there is a plan in effect there under the "Work to Win Suggestion Program." That takes pretty good care of that situation.

Q. If one of your workers came up and had an idea  
457 about improving the operation of your particular department, I presume you would talk to him about it?

A. If he came to me I would talk to him. I will talk to anyone that comes to me.

Q. If you thought it was a good idea you would pass it on up to the next level of supervision above you, wouldn't you?

A. Under the present plan you put it in the "Work to Win" suggestions.

Q. By the way, who would be the superior to you, the person you would report to?

A. Mr. Miller is the one I report to.

Q. What is the title of his position?

*Testimony of Prosper Traen*

A. I understand he is assistant manager now. I am not so sure of that.

Q. When you say "assistant manager," assistant manager of what?

A. Assistant division manager.

Q. Your division is the F. F. Division?

A. It is the "S" Division now.

Q. And he is the assistant manager of that division?

A. Yes.

Q. Who would there be next above Mr. Miller?

A. The division manager, Mr. Winfield.

Q. Following that up the line who would be next above Mr. Winfield?

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A. I understand Mr. Riefel.

Q. And Mr. Riefel has what position?

A. I understand he is manager over the Y and S Division.

Q. That would be the car and Marine division, would it not?

A. Yes.

Q. Then, if you know, who would be next in line above Mr. Riefel?

A. Why, I think it goes up to the vice-president from there.

Q. If you don't know, I will not continue to ask you about that.

A. It does go up to the vice-president from there.

Q. When these workers come to your department, I believe you stated that they all have been classified. What do you mean by that?

A. They come in under certain classifications.

Q. What classifications would they come in your department?

A. For instance, the polishers come under the classification of C. F. 102, in my department.

Q. What does that mean?

459 A. That is just a figure for that type of work. In other words, that is the symbol they use for that type of work.

Q. Having that classification, they are paid a certain rate because of the classification?

*Testimony of Prosper Traen*

A. Yes.

Q. Could you use those people for anything else except polishers?

A. No.

Q. Is there another classification higher than that in your department?

A. No.

Q. Is there a classification lower than that in your department?

A. On that same type of work you are talking about?

Q. On any particular type of work.

A. I beg your pardon, I thought you meant in the polishing.

Q. You have reason to believe it that way, because of the way the question was stated. What I am getting at is that you have in your department people who have lower classifications than these polishers?

A. Yes.

Q. Polishers have a rather high classification, have they not?

A. Yes.

460 Q. What have you to do with the recommendation of changes in classifications?

A. I can recommend a change in classification. There is a regular form that such recommendations come on.

Q. Have you recommended such changes?

A. Yes.

Q. As a matter of fact, you consider it a part of your duty to make such recommendations, do you not?

A. Whenever the labor loads so require that we have to change down to a certain amount of people due to production reduction, in the force or production, then if these people must go down to a lower classification, why, it is of course up to us to put in the request.

Q. Yes, but how about recommending that they be given a higher classification?

A. Yes.

Q. Did you ever recommend that a worker be given a higher classification?

A. You can recommend higher classifications if the need is there for an individual in that particular job.

*Testimony of Prosper Traen*

Q. And in connection with that recommendation you look over the workers in your department and exercise your best judgment and discretion as to which man should receive that recommendation, do you not?

461 A. No, I think you better talk it over with the steward if you want to live right with the people.

Q. Having that in mind, you do exercise your judgment and discretion in picking out the man which you think should be reclassified and have his classification raised, do you not?

A. No, you generally try to—they generally try to apply that to the older men in the department.

Q. In other words, you would recommend the upgrading of an older man, even though he was only half as efficient as a younger man, in your department?

A. You never know how efficient a man is going to be on a certain job unless you try him.

Q. In other words, if you are going to classify a man for a job in your department and are going to recommend a man for a job in your department, you have to have some idea of what he can do?

A. Yes.

462 Q. And does that give you some idea of what the man might do on another job?

A. Sometimes, yes.

Q. As a matter of fact, it is part of your job to be able to do that, is it not?

A. Yes.

Q. That is what you are being paid for?

A. Yes.

Mr. Dahling: May I make a motion that we adjourn at this time, Mr. Examiner?

• Trial Examiner Jaffee: Before granting that motion, I would like to make two or three observations, if I may.

In the first place, I have the feeling that in a large part there may not be much dispute about the facts, although there may be considerable dispute about the inferences to be drawn from the facts.

In the second place, it seems to me it is possible, in particular instances, for you gentlemen to agree upon the primary facts.



*Testimony of Prosper Traen*

bility to see that your particular department functions properly?

A. Yes.

Q. It would be the duties of any general foreman to see that his department or departments function properly?

A. Yes.

Q. Of course, as a general foreman you are responsible for the production of your department, are you not?

A. Yes.

Q. And other general foremen who may have several departments would be responsible for the production of their departments?

A. That is right.

Q. Do you advise with your superior—by the way, who is your superior? You testified yesterday but

468 I have forgotten.

A. Mr. M.

Q. What is his position?

A. I understand he is the assistant division manager.

Q. And also in connection with your Labor Relations cedures?

A. Yes, sir.

Q. And also in connection with your labor Relations questions in your particular department?

A. Yes.

Q. And that would be the duty generally of general foremen to advise with their superiors or superior in connection with those matters, would it not?

A. Yes.

Q. I believe you testified that as a general foreman you assist the assistant foreman who is under you in connection with his problems and advise with him?

A. Yes, sir.

Q. And that would have to do with the safety and cleanliness of the department and the general functioning of the department?

A. Yes, sir.

Q. I assume also that that would be the duties and responsibilities generally of all general foremen in the Packard plants?



*Testimony of Prosper Traen*

469 A. Yes, sir.

Q. If your assistant foreman decides that he needs more men for the operation of his plant, do you pass upon his requisition?

A. We discuss the need for them together.

Q. It is you who eventually decide, however, as to whether or not you do need more men?

A. If I need more men?

Q. In the final analysis, it is your decision, however. You advise with him and you make the decisions yourself, do you not?

A. Yes, I make the recommendation.

Q. Do you know what compensation is paid to the highest paid employee in your department?

Mr. Nelson: You mean under his supervision?

Mr. Dahling: Yes, I assume that would be under his supervision.

The Witness: Which would be the assistant foreman?

Q. (By Mr. Dahling): Yes. Do you know his salary?

A. \$1.46, I think it is, \$1.46.

Q. What is the hourly rate of the highest paid worker in your department under your supervision?

A. \$1.35.

Q. Mr. Traen, when you come on to your shift or when you start your shift, whatever you call it, do you  
470 have instructions left by the general foreman for you, the foreman who preceded you?

A. Well, we may have instructions if we run the same part that he runs and if they have any trouble during the day he may leave word as to what trouble he has been having during the day.

Q. And possible suggestions as to corrections?

A. Possibly.

Q. And do you do the same thing at the end of your shift? Do you leave memoranda for him as to the problems that have arisen and might arise in his shift?

A. Yes.

Q. Of course, you, as a general foreman, could recommend the promotion of your assistant foreman?

A. The promotions of assistant foreman must be discussed with my superior.

*Testimony of Prosper Traen*

Q. But you could recommend his advancement if you felt he merited that?

A. Yes, I would have to discuss it with him, though.

Q. And your recommendation would have considerable bearing on the matter?

A. It might have.

\* Q. By the same token I presume you could request his discharge if you felt he was not efficient or warranted discharge?

471 A. I could request it.

Trial Examiner Jaffee: I do not know how much value a mere statement that a person could do something means. I suppose I could make the request also.

Mr. Dahling: I was going to follow that with another question, Mr. Examiner. I believe the witness testified his recommendations have been followed by the upper supervision.

Trial Examiner Jaffee: Have you ever recommended a promotion of an assistant foreman?

The Witness: Yes, sir.

Q. And your recommendations are considered by your superiors, are they?

A. In this particular case, it was.

Q. It was. Now, yesterday we were discussing your authority to discharge a worker, and I believe you stated that all you could do was recommend the discharge; is that correct?

A. That is right.

Q. Now, as a matter of fact, Mr. Traen, if you discharge a worker you first have to give twenty-four hours notice, do you not, under the Union contract, the CIO contract?

A. That is right.

Q. And you give that notice to the chief steward of the Union?

472 A. That is right.

Q. Now, if the chief steward of the Union does not object and asks for a hearing, is not that man automatically discharged?

A. Not necessarily.

Q. You mean that someone else could overrule your discharge; and who would overrule your discharge?

*Testimony of Prosper Traen*

A. Labor Relations, upper Labor Relations; it has happened to me.

Q. Well, has it ever happened except in case there was a hearing which was asked for by the Union?

A. There is always a hearing.

Q. Well, if the Union did not object to the discharge of the man there would not be a hearing, would there?

A. You asked me if the discharge was agreed to by the steward, is that right?

Q. By the steward, yes. Then there would not be a hearing, would there?

A. Not necessarily. As I said, there has been hearings after the steward has agreed to it.

Q. Well, that is because the man has gone to the district steward of the Union and asked for a hearing, isn't that true, or to the plant committee of the Union?

A. Yes.

Q. But those hearings have been brought by the man going to his Union, and not by management, isn't that correct?

A. I believe so, yes.

Q. So then, if you discharge a man and the Union does not ask for a hearing, that discharge goes through, does it not?

A. Yes, if the steward agrees to it and nobody asks for a hearing, it does go through.

Q. And you have had a number of cases where you have discharged employees where you have not had a hearing, haven't you?

A. No, I have not had any number of them.

Q. No number of them?

A. No.

Q. But you have had some?

A. I had a few of them.

Q. And you also have had cases where a hearing is requested by the Union and the hearing has been held?

A. That is right.

(Thereupon the document above referred to was marked Company's Exhibit No. 2 for identification.)

Q. Mr. Traen, I show you a paper marked Company's

*Testimony of Prosper Traen*

Exhibit 2 for identification, and ask you what it is, if you know?

**474** Trial Examiner Jaffee: Is that supposed to be Company's Exhibit 2?

Mr. Dahling: Yes, Company's Exhibit 2.

Trial Examiner Jaffee: Well, that designation was previously used in connection with a paper called the Supervisor,—that would be No. 3.

(Thereupon the document above referred to was marked Company's Exhibit No. 3 for identification.)

Q. (By Mr. Dahling): I show you paper marked Company's Exhibit 3 for identification, and ask you what it is?

A. This is a query form, a clearance form, clearance query form, sent you and signed by myself and agreed to by the steward.

Q. Now, when you say a query, that is just a designation or a term that is used in Packard, isn't it, for a report? Would you say that another term for it would be "Report"?

A. Well, it is a notice that is sent through to the designated people on that report that such action is required or asked for.

Q. Yes. And you say that you have signed this query or report. That is your signature?

A. Yes.

Mr. Dahling: I will offer Exhibit 3 in evidence.

I have not had time to have photostatic copies made of some of these exhibits, and if admitted, I would therefore request permission to withdraw the original and  
**475** substitute photostats.

I will present the exhibit to counsel for the Petitioner for inspection.

Mr. Nelson: There is no objection.

Trial Examiner Jaffee: Proceed.

Mr. Karasick: May I see the document?

Mr. Dahling: Oh, I am sorry, I have not presented it to the attorney for the Board.

Mr. Karasick: There is no objection.

Trial Examiner Jaffee: It will be received.

Mr. Dahling: Exhibit 3, Mr. Trial Examiner, is dated October 3, 1944, it is from P. Traen to Mr. C. E. Williams.

*Testimony of Prosper Traen*

Q. And who is Mr. Williams, Mr. Traen?

A. He is in the employment department.

Mr. Dahling: It is very short, and I would like to read it into the record.

Trial Examiner Jaffee: Very well.

Mr. Dahling: The query or report reads as follows (Reading):

"SDE-1547, Darrel B. Shelton is an habitual absentee. He was called into my office last week and warned regarding his attendance, at which time he was told that he would be given a twenty-four notice if he was absent in the future.

476 "On 10-2-44 he reported for work at 2 A. M. in a very intoxicated condition, and, therefore, was sent home. The employee reported for work today and left his post without asking permission. As we cannot maintain efficiency with this type of employee, we are, therefore, waiving the customary twenty-four notice and clearing him from the SDE roll."

That is signed "P. Traen."

Q. And, Mr. Traen, there is another signature on Exhibit 3, after your signature. Can you identify that person?

A. Yes, that is William Bonkowski, the chief steward.

Q. So this is a case where a man was discharged by you and the chief steward agreed to the discharge, is that the case?

A. Yes, sir.

Q. And there was no hearing on this case, is that true?

A. No, sir.

Q. And the discharge went through automatically?

A. Yes, sir.

Mr. Nelson: Might it be stated in the record, Mr. Dahling, that you read only the body of the exhibit? There is no need to do it if you are going to offer it in evidence. There are other notations thereon.

Mr. Dahling: If you would like I will put them all in the record. It was just the body I have read. I 477 offered it and understood it has been received.

Trial Examiner Jaffee: Yes.

Mr. Dahling: May I have permission to withdraw the exhibit and substitute photostatic copies?



*Testimony of Prosper Traen*

Trial Examiner Jaffee: Yes.

Mr. Dahling: Will you please mark this as Company's Exhibit 4 for identification?

(Thereupon the document above referred to was marked Company's Exhibit No. 4 for identification.)

Q. (By Mr. Dahling): Mr. Traen, I show you a paper marked Company's Exhibit 4 for identification and ask you what it is?

A. This is a query made out on the violation report from our plant guards. The violation report was a gambling charge. The gambling charge has a set penalty in the plant there. Here it is three days off. That, of course, we have to follow on our query and ask for that particular three days on that set penalty.

Q. As a matter of fact, you did not ask for it, you just gave him three days off, didn't you, Mr. Traen, according to that query?

A. On this query it appears Mr. Cussrow, our Labor Relations man, must have had a hearing on it before we could apply the three days.

Q. But at any rate if there was a hearing on it it  
478 would be because the Union had asked for that hearing?

A. Yes.

Q. Otherwise the three days would have followed automatically as given by you?

A. As set forth by the policy of gambling, that follows a gambling situation.

Q. By the way, your signature appears on Exhibit 4?

A. Yes.

Q. And it was prepared under your direction, I take it?

A. Yes.

Q. I notice that this one sentence, "This being your first offense you are, therefore, being penalized with three days off for this offense, December 4th, December 5th, and December 6th"—those are the dates which you designated as the penalty dates?

A. That is right.

Mr. Dahling: I offer Exhibit 4 in evidence.

Mr. Nelson: Have you shown who Mr. Cussrow is?

Mr. Dahling: The witness testified that Mr. Cussrow is



*Testimony of Prosper Traen*

from the Labor Relations Department of the Company, and further that there was a hearing on this case requested by the Union. I offer Exhibit 4 in evidence.

Mr. Nelson: No objection.

Mr. Karasick: No objection.

Trial Examiner Jaffee: It is received.

479 (Thereupon the document heretofore marked Company's Exhibit No. 4 for identification was received in evidence.)

Q. (By Mr. Dahling): If there was a hearing held in connection with the penalty which was imposed as appears on Exhibit 4, it would appear therefore that at this hearing your directive was carried into effect?

A. Yes.

Q: They did not overrule you in this case?

A. No, not in that one.

Mr. Dahling: May I have this marked as Exhibit No. 5 for identification.

(Thereupon the document above referred to was marked Company's Exhibit No. 5 for identification.)

Q. (By Mr. Dahling): I show you a paper marked Company's Exhibit No. 5 for identification, Mr. Traen, and ask what it is?

A. This is another violation for an employee who had whiskey on his person, which was a violation of the Company regulations. It was requested that he get one week off for this violation. I believe there is also a penalty on that in the regulations.

Q. And your signature appears at the bottom of this exhibit?

A. Yes.

Q. And it was prepared by you or under your direction?

480 A. It was prepared under the direction of the superintendent.

Q. This one was prepared under the direction of the superintendent?

A. Yes.

Q. But you signed it?

A. Yes.

Q. And it arose in your department?

*Testimony of Prosper Traen*

A. Yes.

Q. And you say there is a recommendation as I read this "As this is a violation of the Company regulations, we are hereby notifying you that you are to be sent home for one week." Is that right?

A. Yes.

Q. So this notice went to the man and he was laid off, is that right?

A. That is right.

Q. And you think there was a hearing on this?

A. There was no hearing on that case.

Q. You stated that this came through as a request from the superintendent?

A. Yes.

Q. And that was a direction to you to take action in this particular case?

A. Yes, the reason that came through the superintendent was because it was investigated by the plant guards. This individual who got the week off happened to be the chief steward.

Q. You mean the chief steward of the Union was guilty of this particular offense, Mr. Traen?

A. Yes.

Q. And you could not very well refer back to him for action by the Union?

A. It was referred back to him. You see his signature on there.

Q. And there was no hearing then?

A. No, sir.

Mr. Dahling: I offer Exhibit 5 in evidence.

Mr. Nelson: There are no objections on our part.

Mr. Karasick: No objections.

Trial Examiner Jaffee: It is received.

(The document heretofore marked Company's Exhibit No. 5 for identification was received in evidence.)

Mr. Dahling: Mr. Examiner, would you care to look at it?

Trial Examiner Jaffee: No, it is all right.

Mr. Dahling: Will you mark that as Company's Exhibit 6 for identification?

*Testimony of Prosper Traen*

(Thereupon the document above referred to was marked Company's Exhibit No. 6 for identification.)

482 Q. (By Mr. Dahling): Mr. Traen, I show you a paper marked Company's Exhibit 6 for identification and ask you if your signature appears thereon and what it is.

A. This is a query asking the removal of a man who does not meet production requirements, and of course, affects the efficiency of the department; and the removal has been agreed on by the steward and by the head of the Labor Relations Department, at that time Mr. Watts; signed by myself.

Q. And you originated this query?

A. Yes. You have to originate those queries for the good of the department.

Q. And you say, however, that it is a request. Does that term appear anywhere on this exhibit?

A. It may not appear there, but nevertheless it is a request, signed by the personnel man on the bottom there that it has been okayed.

Q. Would that indicate that there had been a hearing?

A. It might indicate that.

Q. Well, was it necessary, if the Union did not object, that this should be approved unless you asked for the approval?

A. When Mr. Watts was there we did send all those queries down for his okay.

Q. But it was not necessary that you do that; there was no company rule that required that?

A. We were required to do it at that time.

Q. Who told you to do that?

A. Our boss, our superior.

Q. Who was your superior?

A. Mr. Miller.

Q. Mr. Miller.

A. Yes.

Q. And when did he tell you to do that; what was the date, if you remember?

A. No, I don't remember the date.

Q. Is that rule still in effect?

*Testimony of Prosper Traen*

A. No, there has been a change made in the Labor Relations.

Q. And to get this straight, that at the time Mr. Watts was there,—and this exhibit is dated, apparently it is dated June 29, 1944, or about that time; would you say that is correct?

A. It is kind of hard to see. That looks like 6-28-44. There is another notation on there. I don't know what that means.

Q. That would be in June of this year. Then in June of this year, according to your testimony, when you discharged a man, you referred it to Mr. Watts for his approval. Who was Mr. Watts?

484 A. He was a Labor Relations man on the night shift.

Q. And since that time, that procedure has been changed?

A. There have been changes in the Labor Relations, yes.

Q. And at the present time you do not refer these matters to Labor Relations if the steward approves?

A. If the steward approves,—there is a regular form that goes through Labor Relations, notifying them of the fact.

Q. But they take no action?

A. Not unless the action is asked for by the steward.

Q. And in this case, if the recommendation was needed in June of 1944, or the approval of Labor Relations, Mr. Watts actually approved, didn't he?

A. That is right.

Mr. Dahling: I offer Exhibit 6 in evidence.

Mr. Nelson: There is no objection.

Mr. Karasick: There is no objection.

Trial Examiner Jaffee: Received.

Mr. Dahling: Would you care to look at it, Mr. Trial Examiner?

Trial Examiner Jaffee: No, thank you.

(Thereupon the document above referred to was marked Company's Exhibit No. 7 for identification.)

Q. I now show you a paper which has been marked  
485 Company's Exhibit 7 for identification, and ask you if you signed this paper, and what it is?

*Testimony of Prosper Traen*

A. This is the same type of a gambling violation, only in another form, that you had just a few minutes ago.

Q. And you signed this?

A. Oh, yes,—signed by myself and signed by the chief steward.

Q. And you assessed the penalty for the gambling?

A. The penalty was assessed as per the regulations.

Q. And the worker was given three days off?

A. Yes.

Q. And your statement on the exhibit in that connection is this: "He is being given three days off for this offense, effective 2-22 to 24 "

Mr. Nelson: There is no objection.

Mr. Karasick: There is no objection.

Trial Examiner Jaffee: It will be received.

(Thereupon, the document above referred to was marked Company's Exhibit No. 8 for identification.)

Q. (By Mr. Dahling) I show you, witness, paper marked Company's Exhibit 8 for identification, and ask you what that is?

A. This is a report from the guards, another violation of intoxication in the plant, and a recommendation that they be given a week off for this plant violation.

486 It appears that there must have been a hearing, according to this statement here that I see, by Mr. Youngblood, who was in the personnel office, and that the decision of a week off is changed and made into two days.

Q. Now, this query is one that was issued by you, Mr. Traen?

A. If I signed it, it was. My signature does not appear on there, although it is typed on.

Q. That is why I am asking you the question; I do not want you to accept it as your own, Mr. Traen, unless you can recognize it as having been prepared by you.

A. I believe, if I remember this case right, this happened on a Sunday night; I think it was a Sunday night that this happened on, that this violation was actually,—that the guards actually caught the gentlemen in this violation.

487 Q. But who would have typed your name on the query, Mr. Traen, don't you know?

*Testimony of Prosper Traen*

A. The clerk could type my name on there. However, the E. T. behind my name designates the clerk. I don't know—I cannot place the letters designating who typed the query.

Q. Do you have sufficient knowledge of the incident to state that this query was prepared for you or under your direction?

A. The query was prepared by the clerk.

Q. And it was not prepared by you?

A. No.

Q. And you have no particular knowledge of the situation?

A. The only knowledge I have of the case in question is that it did happen on Sunday night. The violation was sent to us during the week and then, of course, the penalty was attempted to be assessed and as you notice there, it was changed by the personnel office.

Q. This would have been a form of query that would have been sent through on that type of offense?

A. Yes.

Q. In this case you say there was apparently a hearing and your recommendation was reduced from a week to two days?

A. That is right.

Q. In this query you state—or rather, it is stated, “for this plant violation, I recommend that he be given a  
488 week off.” The other forms we have here and the exhibits that have been admitted in evidence use different language. For instance, on Exhibit 4, the language is this: “This being your first offense, you are therefore being penalized with three days off for this offense.” Why would there be a change in the language used in the two forms?

A. It often happens on who the particular clerk is who types it out. We may have a clerk who words a query different than others do although they might mean the same thing.

Q. It might be possible also that in certain cases you would merely recommend action to be taken.

A. We always recommend the action to be taken, regardless of what the query says.



*Testimony of Prosper Traen*

Q. Well, Mr. Traen, in Exhibit Number 6, which has to do with a man named Joseph Whitehead, the query reads this way:

"This employee has not attempted to meet production requirements for several days and therefore, this is a 24-hour notice that he is to be removed from the S. D. E. roll."

You testified, I believe, that that is the one that was approved by Watts?

A. Yes.

Q. I believe you testified, Mr. Traen, however, that  
489 at the present time if you send through a query discharging a man and the steward agrees, no one else is required to approve it.

A. Not unless the man takes it up to the higher official in his organization and then, of course, they have a hearing between the steward and myself and it goes through the regular procedure again.

Q. But again, that is because the Union asked for this hearing, isn't that true?

A. Right.

Q. If the Union did not ask for a hearing, the discharge goes through automatically?

A. Yes, it goes through the employment office and they clear the man out.

Q. Isn't that true with respect to any penalties which are assessed for gambling if there is no appeal by the Union, or rather, let me put it this way: If the steward approves, that kind of penalty is assessed automatically, isn't it?

A. Yes, there is a penalty—did you say for gambling?

Q. Yes, let us say for gambling.

A. There is a penalty for gambling of a regular three days off.

Q. You say it is a regular three days off? What if a man was caught gambling on two occasions? Is it still three  
days off?

490 A. I think the second offense is six days off.

Q. What if he was caught three times?

*Testimony of Prosper Traen*

J A. It may be a discharge. There is another item back there on the third time and I do not know whether another six days or a discharge is attached. I haven't the regulations here right now and I do not know just what it is. There are quite a few on there.

Q. In all of those cases—the one where you determined the fact of what happened and issued the query requesting a penalty, they go through automatically unless the Union objects and asks for a hearing?

Trial Examiner Jaffee: Just a minute.

The Witness: You recommend the penalty and then it goes through.

Q. (By Mr. Dahling) You say you recommend it? Who do you recommend the penalty to?

A. You recommend that that individual—this card may be pulled from the clock alley, and refrain him from coming in or you recommend to the personnel office, notifying them of the fact that this individual is being penalized.

Q. What I am getting at is when you recommend something there usually is another person concerned, you recommend to someone?

A. Yes.

491 Q. Who do you recommend a discharge to after the steward, or rather, when the steward has approved it and there is no Union objection?

A. Well—

Q. (Interposing) Do you mean by "recommend" merely sending the notice through?

A. Yes, you send the notice through the employment office and they take the necessary steps to remove the man from the roll and do the actual clearing out.

Q. And that is what you mean by recommend?

A. That is right.

Q. They do not pass on the merits of the case once the Union has not asked for a hearing?

A. No, they remove the employee.

Mr. Dahling: Will you mark that as Company's Exhibit 9?

(Thereupon the document above referred to was marked Company's Exhibit No. 9 for identification.)

*Testimony of Prosper Traen*

Mr. Dahling: I believe I offered Company's Exhibit 8 for identification in evidence.

Trial Examiner Jaffee: It is received.

Mr. Dahling: I am sorry, I do not wish to offer Exhibit 8, Mr. Traen did not sign that exhibit.

Mr. Nelson: I want it just the same. We will offer it if you do not. I would like to do it now while I am reminded of it.

492 Mr. Dahling: I have no objections. The only reason I did not offer it was because Mr. Traen was a little uncertain about the case and did not sign it.

Mr. Nelson: He knew the circumstances and we are agreeable to offer it if you will not do so.

Mr. Dahling: I am perfectly willing to offer it.

Trial Examiner Jaffee: It will be received.

(The document heretofore marked Company's Exhibit No. 8 for identification was received in evidence.)

Q. (By Mr. Dahling) I show you a paper, Mr. Traen, marked Company's Exhibit 9 for identification and ask you if this paper was signed by you and what it is.

A. This is the same type of violation I spoke about regarding the chief steward who had whiskey on his person, these two were together. (Indicating)

Q. This is what you would call a whiskey violation?

A. Whiskey on his person or whiskey while on Company property, there was a regulation on that.

Q. This was approved by the chief steward for the Union?

A. Yes.

Q. And therefore, it went into effect automatically?

A. Yes, it went into effect.

Mr. Nelson: This is exhibit 9?

Mr. Dahling: Yes.

Mr. Nelson: There is no objection.

492-A Mr. Karašick: I have no objection.

Trial Examiner Jaffee: It will be received.

(The document heretofore marked Company's Exhibit No. 9 for identification was received in evidence.)

493 Q. (By Mr. Dahling) Mr. Traen, I do not know whether you noticed or not, but I will state that

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these exhibits that have been introduced running from Company's Exhibit 3 to Company's Exhibit 9, I believe, are all dated in 1944. They are typical, are they not, of the queries, as you call them, that are issued by you and other general foremen and foremen?

A. I do not know about the other general foremen.

Q. You have issued others of the same character from time to time?

A. From time to time I may have issued them.

Q. And these would be a good example of the various types issued by you?

A. Yes.

Q. And I presume you issued those over a period of years, have you not?

A. In one form or another, we might have over a period of years, since they were required.

(Thereupon the document above referred to was marked Company's Exhibit No. 10 for identification.)

Mr. Dahling: Did I offer Exhibit 9 in evidence? I am sorry, I have forgotten.

Mr. Nelson: I will agree that you did, and I said that there was no objection.

Trial Examiner Jaffee: It is already in, gentlemen.

494 Q. (By Mr. Dahling) Mr. Traen, in your testimony yesterday you said that it was one of your responsibilities and duties to request changes in classification. I show you paper marked Company Exhibit 10 for identification and ask you if that was signed by you, and what it is.

A. This is a request for change in classification from polisher to plater. The polisher's classification is known as C-102, and the plater's classification is known as CF-105; approved by the division manager and signed by myself, checked by the time study man, and agreed to by the individual or the employee in question.

Q. And this is the form that is used in case of a change in classification?

A. Yes.

Q. Or one of the forms?

A. That is one of the forms.

*Testimony of Prosper Traen*

Q. And it was first signed by you, as I take it, then approved by the division manager?

A. That is right.

Q. And then it went through the time clock for the necessary adjustments of the record?

A. That is right.

Mr. Karasick: There is no objection.

Mr. Nelson: There is no objection.

495 Trial Examiner Jaffee: It may be received.

(The document heretofore marked Company's Exhibit No. 10 for identification was received in evidence.)

(Thereupon the document above referred to was marked Company's Exhibit No. 11 for identification.)

Q. (By Mr. Dahling) Witness, I show you a paper marked Company Exhibit 11 for identification, and ask you if your signature appears thereon, and what it is.

A. This is a requisition for additional help on the classification C-105,—a requisition which is forwarded to the assistant division manager, who has his approval on it, and also the division manager, who has his approval on it, asking for two platers, signed, but that is not my signature.

Q. That is not your signature on there?

A. No, sir.

Q. Do you know whose signature that is?

A. I don't know who that is.

Q. Well, does it happen sometimes in your department that your assistant might sign your name?

A. No.

Q. And you feel that this might be a forgery, then?

A. I don't know what it is. It is not my signature.

Q. This is dated September 20, 1944. Do you have any personal knowledge of having made a request of this character? I mean, I am not pressing you, witness.

496 A. No, I don't remember. There have been so many people move in and out of that department.

Q. Then I will ask you this: Is this the form which is used; which would be used by you—and I am referring to the document marked Company's Exhibit 11 for identifi-



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cation—is that the form which you would use in your department if you requested additional help?

Trial Examiner Jaffee: You mean the actual blank itself?

Mr. Dahling: The blank itself.

Q. (By Mr. Dahling) Is this the blank?

A. That is the actual help requisition.

Mr. Dahling: Well, inasmuch as I am going to introduce these forms, I think that I will withdraw any further question with respect to this exhibit.

Mr. Nelson: I would like that exhibit in evidence. It will be perfectly satisfactory to us to have it, because we were going to offer the form, but this being the form in a particular case, I would prefer that it would be offered just as it is. That is an actual case from the Company's file, and I prefer that one to just a blank form.

Frankly, I want this one because it is, as we claim, made out by a clerk with his name on it,—no more than a clerical operation.

Q. (By Mr. Dahling) Mr. Traen, do you do any  
497 manual labor in your department?

A. No, sir.

Q. You are not permitted to, are you?

A. No, sir.

Q. And that is the union rule?

A. Yes, sir.

Q. And the same applies to your assistant?

A. Well, the assistant foreman from time to time may get in and do—

Q. That is give a hand?

A. Yes.

Q. But he is not supposed to under the union rules, is he, under your contract?

A. I don't know whether there is anything in the contract regarding any specific individual.

Trial Examiner Jaffee: I suppose, Mr. Dahling, when you refer to "Union rule," you mean the provisions of the UAW contract.

Mr. Dahling: Yes, I am sorry, I should have been more explicit about that, Mr. Trial Examiner. We are so ac-



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customed to referring to the Union rule as the contract, that we sometimes forget ourselves.

Q. (By Mr. Dahling) Then, in addition to this assistant foreman, what other help do you actually have in this department?

498 A. Well, I have leaders.

Q. You have leaders?

A. Yes.

Q. You spoke about a clerk. Where would this clerk fit into the picture?

A. Well, there is clerks in the division office, and also I have a clerk, a time clerk in my own office.

Q. And you have a time clerk in your office under your supervision, is that right?

A. That is right.

Q. And these clerks in the division office, do you use those to make out some of your queries?

A. Yes, sir.

Q. And they are available to you?

A. Yes.

Q. For that purpose?

A. Yes.

Q. Would it not be possible that you might request them to make out a query, and they might sign it in typewriter and send it through for you?

A. Before the query actually goes through, it has got to be signed by myself.

Q. And you would say that every query that ever went through was signed, every query that you originated was signed by yourself?

499 A. That I originated?

Q. Yes.

A. No, I would not say that.

Q. In other words, some of them might have gone through with a typewriter signature?

A. You never can tell about that.

Q. And might have been queries that you yourself originated, or requests for material or something of that sort, that would go through automatically on a typewritten

*Testimony of Prosper Traen*

signature placed on there by the clerk, to whom you had dictated your request, is that right?

A. It could be possible.

Q. Well, coming back to Company's Exhibit 11, as I understand, this exhibit has been offered and is now in evidence.

Mr. Dahling: Did you offer it, or am I supposed to offer it?

Mr. Nelson: If you do, I do not have to. If you do not, I will. It is your exhibit.

Mr. Dahling: I will offer Exhibit 11 in evidence, then.

Mr. Nelson: There is no objection.

Trial Examiner Jaffee: It is received.

(The document heretofore marked Company's Exhibit No. 11 for identification was received in evidence.)

Q. (By Mr. Dahling) Did you have any recollection that you were sent two men too many on September 500 20th, 1944—or let me put it this way: You were sent additional employees that you did not want on that date?

A. Why, I don't remember that, because there have been a lot of people moved, particularly in that department, in the last few months, on account of the classification changes and people stepping down from a higher classification to a lower, and there is so many people moving through there that it is hard to remember.

Q. Well, whose signature is that just opposite,—

A. (Interposing) That, is the division manager's signature.

Q. And that is his actual signature?

A. That is Mr. Winfield's signature.

Q. And the signature above Mr. Winfield's on the exhibit, is whose signature?

A. Mr. Miller.

Q. And so they both actually signed this help requisition slip?

A. Yes, they have got to okay all of them before any of them can be effective.

Q. So in signing it, I presume it came to them in the regular course of business, did it not?

*Testimony of Prosper Traen*

A. Yes, it is the regular course of business. As I said before, it is not effective until they sign it.

Q. And they assumed, apparently, that when it came  
501 to them, it had originated in your department?

A. They assumed it, yes.

Q. And they approved a requisition from your department for two men?

A. Yes,—their names on that requisition would make it effective, whether mine was on there or not.

Q. Yes. Now, that being the case, the two men would have reported to your department, would they not?

A. If they signed it to be allowed to—and let the requisition go to the employment office, the men would report.

Q. Is there any reason to believe that this did not go through the employment office?

A. It looks like it has gone through.

Q. Well then, you received two men in your department pursuant to this help requisition?

A. Possibly, yes.

Q. And isn't it positive that you received them?

A. Well, as I said before, those two individuals who—I think there is names on there, I don't just remember right offhand, whether they came in—but ordinarily, whenever the division manager and the assistant division manager signs a requisition, if the help is available the employment office will send them through.

Q. So you would not deny that those two platers  
502 came to your department in response to this help requisition?

A. No, I would not.

Q. And you have no recollection that on or about September 20th, 1944, you had too many men in your department?

A. No, I have no recollection of that.

Q. And if you had had too many men, wouldn't you have reported that fact?

A. If I had too many men I would report it to my division manager or assistant division manager.

Mr. Nelson: As far as we are concerned, we are willing

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to concede for the purpose of the record that those two men probably did come through, regardless of the witness' recollection of the incident.

Mr. Dahling: Will you mark that as Company's Exhibit No. 12 for identification?

(Thereupon the document above referred to was marked Company's Exhibit No. 12 for identification.)

Q. (By Mr. Dahling) Witness, I show you a paper marked Company's Exhibit Number 12 for identification and ask you if your signature appears on this paper and what it is?

A. My signature does appear on it and this is a transfer of labor hours from the S. D. E. group to S. D. E. group number 1. It means that individuals or two individuals from group 2 worked in group 1 on that particular day and the labor hours were transferred from one group to another to make the efficiency come out.

503 Q. And you arranged for that through the use of this form which you have signed?

A. That is right.

Mr. Dahling: I offer Exhibit 12 in evidence.

Trial Examiner Jaffee: Is that a matter of taking care of the bookkeeping?

The Witness: It is a matter of keeping the hours up to date. If the hours are charged in group 2—

Trial Examiner Jaffee: (Interposing) It is a bookkeeping situation?

The Witness: Yes, that is right.

Mr. Nelson: No objections.

Mr. Karasick: No objections.

Trial Examiner Jaffee: It will be received.

(The document heretofore marked Company's Exhibit No. 12 for identification was received in evidence.)

Q. (By Mr. Dahling) This Exhibit 12 is marked "Transferred labor." You mean that labor is sometimes transferred from other departments to your department or that you transferred to another department?

A. No, I transferred those from one group to another group.

*Testimony of Prosper Traen*

Q. You transferred these men from your group in your department to another group in your department?

504 A. For the day temporarily, I just placed them from one group to the next group.

Q. You thought you needed them there to get greater efficiency by moving the men around?

A. It was a case of filling in with absentees.

Q. To get your efficiency, you have to take care of absenteeism and shuffle your men around to keep up production even in the event of absenteeism?

A. That is right.

Q. All right.

Mr. Dahling: Will you mark that as Company's Exhibit 13 for identification?

(Thereupon the document above referred to was marked Company's Exhibit No. 13 for identification.)

Q. (By Mr. Dahling) Mr. Traen, I show you Company's Exhibit 13 for identification and ask you if your signature appears thereon and what it is?

A. This is what is known as an "Employee's designation Pad." And in this particular case it notifies the guards at the gate that this employee is carrying personal property out through the gate.

Q. This paper, or this particular form notifies the guards that the party per letter is carrying out personal property but you could use the same type of form to permit some employees to go to another department, could you not?

505 A. I believe—may I see that, please? Is that one of the old ones? Yes, there is a place on here to permit an employee to go from one division to another, it says.

Q. And you say this is your signature on the exhibit?

A. Yes.

Mr. Dahling: I offer Exhibit 13 in evidence.

Mr. Nelson: No objections.

Mr. Karasick: No objections.

Trial Examiner Jaffee: It will be received.

(The document heretofore marked Company's Exhibit No. 13 for identification was received in evidence.)



*Testimony of Prosper Traen*

Mr. Nelson: I understand our consent to this exhibit was conditioned upon a recess at this time.

Trial Examiner Jaffee: You are a little bit early. We will wait fifteen minutes more.

Q. (By Mr. Dahling) Mr. Traen, you say that you use this form to permit an employee to go from one division to another division? If someone applied for that permission and you felt that he had reason to go, you would fill out this form Exhibit 13 and give it to him and he could get into another division, using this form?

A. Not all of them. He cannot go in a restricted division.

Q. That is just what I am getting to. At this time it is quite important to see that only certain people get  
506 to certain divisions, is it not? It isn't like it was in peacetime. Under your rules, there are quite a few restrictions about people going from different parts of the plant to other parts of the plant, aren't there?

A. That is right.

Q. You know, necessarily, of course, that you have to have in mind these rules and regulations and be certain of your man, before you permit him too much freedom through the plant?

A. I do not have to have the rule in mind. The plant guards are all over the place and they will remind him quick enough of the rules if he tries to cross any particular place.

Mr. Nelson: Mr. Dahling, do you mind specifying whether these rules are Company rules, Union rules, or Army and Navy rules?

Mr. Dahling: I do not care what kind of rules they are. In time of war you cannot allow free egress or entry to these departments. You have to get a company pass for the purpose and that is an important function on the part of a general foreman.

Mr. Nelson: It is my point to suggest whether it is a military rule, a rule of the Company or a rule of the Union. It is probably agreed on that they are necessary by everybody. I want to know who laid the rule, the Army,  
507 Navy, or who did?

Mr. Dahling: Who laid down these rules which re-



*Testimony of Prosper Traen*

quire passes to go between the various departments or divisions?

The Witness: I believe the Army and Navy have restricted areas that they do not allow anybody but the employees to go in.

Mr. Dahling: Will you mark that as Company's Exhibit 14?

(Thereupon the document above referred to was marked Company's Exhibit No. 14 for identification.)

Trial Examiner Jaffee: That is nobody but employees of that particular division.

The Witness: That is right.

Q. (By Mr. Dahling) Witness, I show you a paper marked Company Exhibit Number 14 for identification and ask you if your signature appears thereon and what it is?

A. My signature is on here and this is a time reception report. This report is made out to notify people who work in the clock alley that certain individuals were absent that day or that they were late for that day and it also has a place in case of certain individuals working overtime for that day. It also remarks whether the individual is AWOL or AWL.

Q. What is the distinction?

A. Away with leave or away without leave.

508 Mr. Dahling: I offer Company's Exhibit 14 in evidence.

Mr. Nelson: There is no objection.

Mr. Karasick: No objection.

Trial Examiner Jaffee: It will be received.

(The document heretofore marked Company's Exhibit No. 14 for identification was received in evidence.)

Q. (By Mr. Dahling) What is the purpose of making out this report? It shows whether they were absent without leave or with leave. Is that in connection with determining the amount of pay they are to receive?

A. No.

Q. Well, why do you make it out?

A. We make it out so that the clock station attendant can verify that these people were in the department for a certain amount of hours or not in the department for a certain amount of hours.

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Q. You then make it out as a check against the clock card?

A. Yes, for bookkeeping uses.

Q. In other words, a man may stay in the department after working hours and check out later and his clock card may show his presence in the building for some time after his shift ended, would it not?

509 A. His clock card would show he rang out some time later than the quitting time, is that what you mean?

Q. Yes, for that purpose this report is made as a check against the clock card, that is one of its purposes?

A. That may be one of them.

Q. Will you give us any other you have?

A. If an individual reports in late, we report it on that sheet and they also verify it.

Q. And if he reports in early or if he leaves early, I mean, it is reported here also?

A. If he leaves early, we report it as so many hours worked.

Q. It is a rather important report, as far as keeping down the cost to the Company is concerned, is it not?

A. I do not know how that would affect cost.

Q. Wouldn't the cost be affected if the man could clock out and was paid by the clock card and only worked less time than his clock card would show?

A. Yes, if they were allowed to do that.

Q. You say that you make this report if a person is tardy, the purpose of that is to see that he is docked for that particular time which he was tardy, is that not so?

A. If a person is tardy it shows on the clock card and we verify it.

Q. Then this is a verification of the clock card?

510 A. We verify that that individual did not report in the department.

Q. Then, that is for the purpose of seeing that these people are not overpaid and paid for work they did not do?

A. They cannot get paid for what they do not have on the clock card.

Q. If the time reception report differed from the clock card, which would prevail?

*Testimony of Prosper Traen*

A. If the time receipt report differs from the clock card, it is called to our attention for verification.

Q. So the purpose of this is to see that the man gets paid for the time he worked and does not get paid for the time he does not work, isn't that one way to say it?

A. The purpose of it is that the man should get paid for the same time he rang on the card, for the time he rang in until he rang out during the regular working hours. As I stated before, there is a place on there for overtime. If an individual works overtime we also marked it. It is recorded and they pay the man accordingly what he has on the clock card.

Q. What if someone rings his card in for him?

A. If someone rings his card in and he is absent?

Q. Yes.

A. Then, of course, we report him absent from the department.

Q. And that would appear on this report?

511 A. Yes, that appears on that report.

Mr. Dahling: I offer Exhibit 14 in evidence.

Mr. Nelson: I believe Exhibit 14 was offered in evidence and received. I had no objection to it.

Trial Examiner Jaffee: If it has not already been received it is now received.

Mr. Nelson: I would like to ask the witness a question about Exhibit 14, if I may.

Mr. Dahling: I have no objection.

Mr. Nelson: As you understand Exhibit 14, it is a book-keeping arrangement?

The Witness: That is right.

Mr. Nelson: As to Exhibit 13, it is agreed that I may ask just one question?

Trial Examiner Jaffee: All right.

Mr. Nelson: Is it true that Exhibit 13 must be signed by the superintendent or division manager?

The Witness: Yes.

Mr. Nelson: And it is good only in his division?

The Witness: Is that on the help requisition?

Mr. Nelson: It is on the pass that must be signed by a superintendent or division manager and is good only in his area of the plant?

*Testimony of Prosper Traen*

The Witness: That is right.

512 Trial Examiner Jaffee: The employee designation pad, Exhibit 13 is what you are referring to?

Mr. Nelson: Yes.

Q. (By Mr. Dahling) Mr. Traen, you have just told your counsel in answer to a question that these reports here are bookkeeping entries.

Mr. Nelson: That was Exhibit 14.

Mr. Dahling: That Exhibit 14 is a bookkeeping entry which you made out—you make out quite a few reports other than those I have shown you as examples here, do you not?

The Witness: We make out a daily efficiency report.

Q. (By Mr. Dahling) And possibly other reports?

A. I think you have covered it pretty well; there may be others.

Q. You make out a report, do you not, if there is a request for a leave of absence?

A. A request for a leave of absence?

Q. Yes, must that be signed by you?

A. Yes.

Q. And the absence would not be permitted unless it was signed by you, would it?

A. Well, whether I allow it or not, the absences generally take effect.

Q. What do you mean, it takes effect?

513 A. It doesn't make any difference whether I make it or not, if the individual decides to take off, he takes off, and that's that.

Q. You mean that during wartime they do anything they want in that connection?

A. If at the present time an individual wants time off, he just takes it off.

Q. You are speaking of workers in your department?

A. Yes.

Q. And they are not fearful of being penalized when they take time off without getting permission?

A. Apparently not, because when they want to take up to three days, they are not penalized—they can have three days off.

*Testimony of Prosper Traen*

Q. That is permitted at any time, using their own discretion as to when they want to take it?

A. There isn't anything I can do about it.

Q. They do not ask you?

A. Not for three days.

Q. So that you might, in running your department, come in there and find half your department gone?

A. I never have.

Q. But it would be possible if that is the arrangement that they can take the time off without making request for it.

A. There are a lot of things possible but I never  
514 found it that bad.

Q. Why do they take those liberties?

A. Well, I do not know why they take time off. There are various reasons why people take time off.

Q. These people who are taking the time off, were the workers, I believe you said?

A. Yes.

Q. And they are members of the UAW-CIO?

A. Yes.

Q. Have you ever disciplined or attempted to discipline these people for not coming to you and requesting permission in advance?

A. No.

Q. In other words, as far as your department is concerned, they can go any time they want to go?

A. Up to three days, as far as any department is concerned, if they want to go.

Q. Then, why do you use this form requesting leave of absences? The one I have in my hand is signed November 29, 1944 and that would be a leave of absence for over three days.

A. I cannot ~~do~~ it.

Mr. Dahling: I am sorry. I will show it to you. Will you mark that as Exhibit 15, please?

(Thereupon the document above referred to was marked Company's Exhibit No. 15 for identification.)

515 Q. (By Mr. Dahling) Witness, I show you Company's Exhibit 15 for identification and ask you if it is signed by you and what it is?



*Testimony of Prosper Traen*

A. This is a request for a leave of absence for an employee who was apparently going out of the state on business and requested—the requested date was 11-9-44. The employee was to return on 11-27-44 and it is signed by myself and approved. There are two signatures on there that I cannot make out. The name of the individual is Mr. Ballinger. Mr. Ballinger asked for the leave of absence and it stands out very clearly in my mind, particularly because when this man reported back to work he was not allowed to come in, even though the request had been put in for a leave of absence. He was not allowed to report back in. He was held in the employment office. The employment office insisted that this man be cleared off. I had to forward the necessary card for clearance and in contacting my superior, he in turn attempted to get the individual back in. This man was not put back until the members of the personnel department went to the employment department and had the man brought back in.

Q. In other words, there was a misunderstanding in the personnel or employment department which resulted in this case?

A. It stands clearly in my mind because he was a leader of—

516 Q. Mr. Traen, you volunteered that testimony, did you not?

A. You asked me about that particular part.

Q. I did not ask you what happened subsequent to that time, did I? I did not ask you what happened when the man came back, did I?

A. I gave you the information.

Q. Yes, you volunteered that statement, didn't you, Mr. Traen?

A. You asked me with reference to that particular paper and I gave you that.

Q. Well, I believe the record will show that it was purely volunteered, and you did that for the purpose of throwing something into this case against the Company, did you not?

A. No, I gave you the facts.

Q. It was not a deliberate attempt on your part to try to show that the Company is doing things wrong?



*Testimony of Prosper Traen*

A. No, I am giving you the facts of the particular case. The reason it stands out so clearly in my mind, as I said before, is because this man is a leader and I was very anxious to get him back to work.

Q. And what did you do when you heard about this incident in the personnel department?

A. In the personnel?

517 Q. Yes, when they would not let the man come back.

A. Oh, that came from the employment department.

Q. Or from the employment department?

A. Yes.

Q. You heard about it, did you?

A. Yes, they called me and I,—

Q. What did you do?

A. I contacted my superior.

Q. And you contacted him with the purpose of getting the man back to work, I suppose?

A. Certainly.

Q. In other words, you "went to bat" for the man, to get him back in?

A. I wanted him back, yes.

Q. And you got him back, didn't you?

A. After I went to the personnel office and had the personnel office man go down there to get him back.

Q. That is true, but you "went to bat" for this man, and eventually, true once you started, the man got back into the plant again?

A. Yes, he got back.

Trial Examiner Jaffee: Why did you want him back?

The Witness: As I stated, he was a leader in the department, and I only have two, and I needed him bad.

Trial Examiner Jaffee: For what purpose?

518 The Witness: He is the man who instructs the employees as to how their work should be done, follows it very closely with the employees.

Mr. Dahling: Mr. Trial Examiner, may we have our recess now? I think we are five minutes behind, aren't we?

Trial Examiner Jaffee: All right, a five minute recess.

(A five minute recess was taken.)

*Testimony of Prosper Traen*

Trial Examiner Jaffee: On the record.

Q. (By Mr. Dahling) Mr. Traen, you stated just before the recess that any worker could be absent for three days without asking for leave of absence. I believe that was your statement?

A. Yes.

Q. And when he came back he would be taken back into the department and put to work again?

A. Yes, sir.

Q. And nothing would be done about it?

A. Not if he is only out three days.

Q. If he was over three days, what would happen?

A. If he is over three days, then there is a rule to the effect that on the fourth day you request his removal from the roll.

Q. And if a man should happen to be three days  
519 absent one week, three days absent in the next week, and that continued along, one day the next week, and that continued along for a period of time, what would you do about it?

A. On a chronic absentee, you might say, is that what you mean? He has lots of absence? If he has a sufficient amount of absence through a period of time, why, once again you request the removal of the individual from the department.

Q. Well, when you say "request," you send through one of these queries, do you not, either clearing him from the roll or getting rid of him?

A. Yes, you send the query through the personnel office notifying them that you want the individual removed from the roll because of his absenteeism.

Q. And as a matter of fact, Company Exhibit 3 is one of those queries in which you removed Darrel B. Shelton as an habitual absentee, isn't that true? I hand you Exhibit 3 for reference.

Trial Examiner Jaffee: I suggest that it may not be fair to incorporate in the question the phrase, "You removed," in view of the witness' answer that he merely requests or makes recommendations.

Mr. Dahling: Well, I thought that we cleared that up.

*Testimony of Prosper Traen*

where he said that the recommendation merely  
520 meant that he sent it through for recording.

I will develop that further on this exhibit, Mr. Trial Examiner.

Q. (By Mr. Dahling) Mr. Traen, you have in your hand Exhibit 3. Is that what you call a recommendation?

A. Yes, this is a recommendation that this individual be removed from the,—

Q. (Interposing) Now, to whom do you send that recommendation?

A. There is copies here.

Q. Yes, but now, what do the people who receive those copies do about that? Do they overrule you?

A. Yes, it has been done.

Q. But that is only done on a Union objection to the clearance, is it not?

A. Ordinarily it is, yes.

Q. When you say "ordinarily it is," didn't you testify at least once, and I think several times, that where the steward agreed with you and the man did not take it up further with his Union, the clearance went through automatically? Didn't you so testify?

A. I told you that when the steward agreed with these, that the removal was carried out, yes.

Q. Then they carry out the removal simply by clearing it from the rolls, isn't that true?

521 A. They remove the individual from the rolls, yes.

Q. There is no further hearing in the matter at all?

A. Not unless the man asks for it.

Q. And the man asks for it through the Union?

A. That is right.

Q. So you are not recommending the removal, you are removing him unless the Union objects, isn't that true?

A. I don't remove the man.

Q. Well, you mean you do not go through the mechanics of striking his name from the roll, is that what you mean?

A. That is right, the employment department removes his name from the roll.

Q. But that is merely clerical work on their part, again, isn't it?

*Testimony of Prosper Traen*

A. I don't know what they do. I have never been in there.

Q. But they do not come back to you and say, "No, we won't remove this man unless there is a hearing"?

A. I am trying to recall some cases now. No, personally, I have not had anything like that happen, although I have heard of several of them.

Mr. Dahling: I move to strike that out as not responsive to the question.

Mr. Nelson: I submit that it is responsive.

Mr. Dahling: No, it is not.

Trial Examiner Jaffee: It may not be,—

522 Mr. Dahling: And furthermore, it is hearsay evidence.

Trial Examiner Jaffee: It may not be directly responsive. However, it bears on the subject sufficiently closely that I think it ought to stay.

So far as it being hearsay is concerned, while it may be hearsay, it is of a nature which is clearly material, I think it is sufficiently relevant and has sufficient cogency that it should stand.

The Witness: Mr. Trial Examiner, the individual can be brought up to whom it has happened.

Q. (By Mr. Dahling) Mr. Traen, will you give us the date and the name of the individuals in this case that you say you have heard about?

A. Yes.

Q. What is the name?

A. I could not give you the exact date.

Q. Approximately?

A. But I can tell you this: That in the last, I would say the last three weeks, a certain Mr. Sumner in S. D. E. department asked for the removal of individuals from his department because he had too many men, and the following day they were all replaced, regardless of whether he liked it or not, they were sent back, and they were sent back by the employment department.

Q. And they remained in his department from then on?

523 A. Since then, of course, he has had a large turnover of people, due to cutback in production, and

*Testimony of Prosper Traen*

there has been quite a few people removed, and he is right now in the process of removing.

Q. Were those discharges, or were they simply a case where he thought he had too many men?

A. They were a case where the people had not met the requirement, quality, quantity of production and he asked for the removal, and sent them to the employment department, and I remember distinctly him telling me that the following day when he reported for work, each individual that he had asked to have removed was reported right back in his department.

Q. Now, what were the names of those individuals, if you know them?

A. No, I don't know the names of the individuals. I could get them for you.

Q. You say that is within a period of three weeks?

A. I think it was within the last three weeks or so, yes.

Q. And do you know the name of the person in the employment department who handled this matter?

A. No, I don't. I could possibly get it, but I don't know it offhand.

Q. Now, that is the one case you are telling us  
524 about. Let us have all the facts and details in the other case that you are referring to. Your testimony indicated that there was more than one.

A. I can cite you a case of my own that comes to memory just now.

Q. This is one case that you had?

A. Yes.

Q. And that covers a period of how many years?

A. This is a recent case that comes to my memory.

Q. A recent case?

A. Yes.

Q. And will you give us the particulars and the name of the employee involved, the department, and the time of occurrence of the event?

A. Yes, in this particular case it was also a drinking violation, pretty well connected with the two which you have offered as evidence today.

Q. And those two,—the discipline was applied?

A. They were connected, yes. They were pretty well



*Testimony of Prosper Traen*

connected together. The removal was requested of this individual, not only through me, but through the assistant division manager, and agreed on through the first step in the grievance procedure.

Q. When you say agreed on in the first step in the grievance procedure, what do you mean?

525 A. Of the UAW-CIO grievance procedure with the men.

Q. You mean it was agreed to by the steward, the chief steward?

A. Yes, by the Labor Relations also; and much to my surprise, the following day the individual was back on the job again.

Q. Do you know whether there was a hearing held?

A. There was.

Q. There was a hearing?

A. There was.

Q. And that was a case where they did not follow your recommendation?

A. The total sum of the hearing, as I understand, of the day before,—of course, I was not present, I don't know, I am giving you this as it was handed to me—

Q. (Interposing) When you say "hearing," that was a hearing between the Union, the CIO and Management?

A. Yes.

Q. And it was as a result of that hearing that your so-called recommendation was overruled?

A. Yes.

Q. Well, that is not the case of their overruling you when there is no hearing, is it, Mr. Traen?

A. No, in this particular case, as I said before, the violation was agreed to by the steward, of course. Also,  
526 as I said before, investigated by the Labor Relations Office, and they, too, recommended that this individual be removed from the roll.

Q. Yes, but you did state that someone higher up in the Union then brought about a hearing?

A. That is right, the following day.

Q. The following day?

A. Yes.

Q. In other words, it was not Management that brought



*Testimony of Prosper Traen*

about the hearing, it was the Union that brought about the hearing under the Union contract procedure, wasn't it?

A. Well, it certainly was Management who agreed to put the individual back.

Q. Well, that is true, but that was the result of a hearing in which Management and the Union's parties present did not agree with you, wasn't it?

A. They did not agree with me?

Q. They did not agree with you.

A. That is right, they did not agree with me.

Q. They did not agree with you, that is right. Now, had the Union not requested this particular hearing, would your discipline have gone through?

A. Well, it might have gone through unless the individual would have appealed to higher Management.

Q. Well, as a matter of fact, you are talking about  
527 incidents now, you have given us this one incident.

Give us one where they appealed to higher Management and you were overruled.

A. I have not got any of my own where they appealed to—

Q. (Interposing) And so we get down to this exhibit 3 again, where the discipline was discharge, you signed the query, it was approved by the chief steward, and the man was discharged. And that is the usual procedure unless there is a Union hearing, isn't it?

A. That is right.

528 Q. (By Mr. Dahling): Now, you did not like it when you were overruled in the case of this man you talked about who was given a hearing and your disciplinary action was reversed, did you?

A. It didn't make much difference whether I liked it or not.

Q. You felt you were right and that the man should have been discharged?

A. As I stated before, in all cases, before a recommendation of that type is made, as far as I am concerned, I try to be fair. I want to be fair and I try to investigate it thoroughly before I make any recommendation.

Q. And you use your best judgment in those cases?

A. To the best of my ability.

*Testimony of Prosper Trach*

Q. And you exercise your discretion in those cases?

A. Absolutely.

Q. As a matter of fact, you do that in all of these cases involving discipline, do you not?

A. Yes.

Q. And you make what you consider a complete investigation, do you?

A. Yes, sir.

Q. You go into the man's background?

A. As far as the employee is concerned in the department?

Q. And there might be certain cases in the exercising of that judgment you would think, "Well, I  
529 won't recommend that man for discipline, there are reasons why I feel it shouldn't be done," is that right?

A. All violations reported by the plant guards, of course,—that is what you have reference to?

Q. I am referring to discipline which you yourself impose because of something which you have observed and which comes to you through your assistant foreman and not through the plant guard.

A. Any violation that is reported to me is acted on according to the set regulations.

Q. Yes, but as to the question of you yourself disciplining a man where it is not reported directly to you but you have knowledge of the fact, do you at times feel that under certain circumstances there should be no discipline and, therefore, you exercise your judgment in reprimanding the man?

A. Yes. If there is any doubt I feel I have a right to exercise my judgment, especially if there is a doubt whether the penalty should be imposed or the man is guilty or not. I feel I have a right to exercise my judgment.

Q. Do you do that?

A. I certainly do.

Q. You do exercise your judgment?

A. Yes.

530 Q. However, when you have exercised that judgment and the Union asks for a hearing and the hearing

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follows as in this one case, the policy at the hearing disagreed with your judgment, did it not?

A. Yes, apparently so because somebody disagreed.

Q. You did not like that very well, did you?

A. As I said before, it didn't make any difference whether I liked it or not.

Q. Tell me, Mr. Traen, if the foremen were given collective bargaining, would that change that particular situation?

A. No, it would not.

Q. Do you think you would be able to make your discipline stick any better?

A. They would stay just the same as they do now.

Q. And you do not feel then that if management overruled you that under your particular agreement you could then overrule management?

A. No, sir.

Q. You gave us some hourly rate classifications—I think you testified as to the highest hourly-rated employee paid a worker in your department?

A. Yes.

Q. You have different classifications in your department, do you not?

531° A. I have two classifications.

Q. What are those classifications?

A. CF-105 and CF-102.

Q. CF-105, is that your top classification?

A. CF-102 is the polishers.

Q. What is the hourly rate of the polishers in that classification?

A. That is \$1.35.

Q. In your other classifications—I forgot the number, what is the hourly rate?

A. \$1.20, I think.

Q. Now, when you testified that the highest paid man in your department received—what was it, \$1.35 or something like that?

A. That is the highest rate employee, the polishers, \$1.35.

Q. What would be the proportion of polishers in your

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department out of the seventy men? How many would be polishers?

A. I think I told you yesterday I thought it was fifty-four. There are fourteen platers and the rest are polishers.

Q. What is the rate of the platers?

A. \$1.20.

Q. \$1.20?

532 A. Yes, sir.

Q. I get an indication from your testimony that I hope I do not characterize it unfairly, that you feel that you have a rather limited authority with respect to the things that you do and you fail in having the final word in these matters, is that one of your complaints?

A. I have no complaint in that category.

Q. Is that your feeling?

A. I follow my job as I am told to do. I do everything they tell me to do and I do it.

Q. Do you feel you are too restricted and not given enough authority?

A. No, that is strictly up to management what they want me to do and what they give me to do and I do it.

Q. In your department is there anyone who has any authority representing management other than you?

A. In my department?

Q. In your department?

A. I am the general foreman of the department, if that is what you mean.

Q. Do you carry out the directions that come to you from management?

A. That is right.

Q. And you exercise your judgment and discretion in carrying them out?

533 A. That is right.

Q. You feel that that is your duty and responsibility?

A. Absolutely.

Q. And you feel that you have sufficient authority given you to carry out these various directions that you receive?

A. According to this stuff you brought out today, that is the extent that I can carry it out.

Q. That is the extent that you can carry it out?

*Testimony of Prosper Traen*

A. Yes.

Q. Do you feel the clerk that you talked about could do the job as well as you do it?

A. I do not know whether the clerk has the ability to handle my job or not. Perhaps he has.

Q. Do you know the clerk?

A. Yes.

Q. You use the clerk in your business, do you not?

A. Yes.

Q. And you have some idea of the capability of the man, whoever the person may be?

A. On the clerical end of it, yes.

Q. He is good at the clerical job but you do not think that he could run your job, do you?

A. I do not know, because I never tried it out.

Q. How much does that clerk receive, do you know?

534 A. I think it is \$1.01.

Q. Your average pay is \$500.00 a month, isn't it, Mr. Traen?

A. Somewhere in the neighborhood there, Mr. Dahling, I could not give you the exact figure.

Q. Why do you suppose you are paid more than your clerk?

A. Because of the type of work that I do.

Q. In other words, why are you paid more than the workers in your department?

A. For the same reason.

Q. And you say that the type of work you do is the reason—does that include the responsibility that you assume?

A. Well, do you care for me to define it a little? Possibly I can put it this way: An operator working on one job—all he has to know is that one job, it is expected of a foreman to know all the jobs.

Q. And direct the men as to how to do the jobs and as to the quality and quantity?

A. Yes.

Q. And to exercise your discretion in your department—in managing your department to see that that is the result?

A. To manage the department to the best of my ability and to get the efficiency out, that is the thing.

*Testimony of Prosper Traen*

**535** Q. And to follow the directions of the management, that you receive?

A. Yes.

Q. And to make recommendations or changes you think would better the efficiency?

A. Yes.

Q. All those things result in your being paid this \$500.00 a month or being paid more money than the other people in your department?

A. That is right.

Q. I believe you attended the Packard School for Foremen, did you not, Mr. Traen?

A. Yes.

Q. How many sessions of that school did you attend?

A. I attended several sessions, I couldn't say how many.

Q. Over what period of time?

A. I remember attending some of the sessions when Mr. Sours was an instructor.

Q. How long ago was that?

A. I believe that was probably in 1943. I think it was in that time.

Q. Was that the first time you attended the Packard School?

A. No, I think there was one earlier, in 1941, I believe. I am not sure about it. I remember one where

**536** Mr. Packard was the instructor at that time.

Trial Examiner Jaffee: Mr. who?

The Witness: Mr. Packard.

Q. (By Mr. Dahling): Were there various subjects discussed at this school?

A. Yes.

Q. As a matter of fact, the contract of the CIO was discussed and gone over, wasn't it?

A. Not until the last two sessions, I believe, the last session I attended the contract was gone over.

Q. How long ago was that?

A. Last week.

Q. And you had never seen the CIO contract before that time?

A. Oh, yes, I have seen it.

Q. You had a copy of it?



*Testimony of Prosper Traen*

A. Yes.

Q. And a copy was given to you?

A. Yes.

Q. And you read the contract?

A. Yes.

Q. And you felt that that was a part of your duty as foreman to know about the provisions of the contract?

A. Yes.

Q. And that was particularly true because of the  
537 grievance machinery set up in the contract?

A. Yes.

Q. And this school that you talked about is just for foremen, isn't it?

A. I do not know whether the assistant foremen attended now or not.

Q. I am using the word foremen in the broader sense.

A. You mean all classifications of foremen?

Q. Yes.

A. Yes.

Q. Has the school been going on since prior to 1939?

A. Yes. It might have been going on since then.

Q. And the foremen attended the school on the Company time, did they not?

A. Yes.

Q. And it is more or less of a discussion-type of instruction, isn't it?

A. Yes.

Q. In connection with the school, do they take up subjects as "What it takes to be a foreman"? Do you recall that having been discussed?

A. Yes.

Q. And also the principles of general policy of the Company in connection with this business?

A. I do not know that they discussed very many  
538 policies in the sessions that I was in.

Q. Did they discuss fundamentals in a business?

A. They might have at one time or another. There were several discussions: Each week the subject was changed.

Q. That is right. You attended that from time to time, the school, I mean, and you were designated to attend, were you not?

*Testimony of Prosper Traenkle*

A. Yes.

Q. In other words, you received notice as to the school and you received the schedule so you knew when you were to attend?

A. Yes.

Q. How long were the classes?

A. Well, they would run I would say from five to twenty-five or thirty.

Q. In other words, they were relatively small classes?

A. Yes.

Q. Did they discuss at these meetings getting along better with people?

A. Yes.

Q. And safety and accident protection?

A. Yes.

Q. And war materials of the automotive industry?

A. They might have.

Q. You do not remember?

539 A. No, there were a lot of them.

Q. There were a lot of subjects discussed?

A. Yes, a lot of subjects.

Q. Did they go into the question of taxation and income taxes and public welfare?

A. I member the taxation part and the income tax.

Q. I believe you testified that they also discussed management in business?

A. That I don't know. If I testified to that I don't know about it.

Q. I am sorry. How about a discussion of waste? Did you have some period for, or devoted to a discussion of waste?

A. Scrap?

Q. Scrap and waste and how to prevent it?

A. Yes.

Q. And discussions with respect to personal improvement of the foremen?

A. Yes, I believe they had a psychologist in there who talked to us.

Q. Did they at one session discuss generally the organization of the plant with you?

A. The line organization?

*Testimony of Prosper Traen*

Q. Well, just the general organization of the Packard Company itself, its divisions and departments and so on?

540 A. Yes, they did.

Q. So that you would have some knowledge, some over-all knowledge of the whole picture?

A. That is right.

Q. Did you have a session in connection with how to delegate authority and deputize other people to act for you?

A. No, unless that was carried on with the foreman's improvement situation, that I might have been in there.

Q. You did have a subject along that line?

A. Along the line of better foremen, or something like that.

Q. Along the line of how to give orders and have the orders carried out and how to develop leadership among other men?

A. How to approach people, yes.

Q. And how to get along with your employees?

A. Yes.

Q. And they stressed considerably, didn't they, the relationship between the foreman and the worker?

A. Yes.

Trial Examiner Jaffee: In other words, how to win friends and influence people?

Mr. Dahling: I don't know whether they used that as a textbook or not.

541 The Witness: It was along that line, though.

Q. (By Mr. Dahling): They also discussed discipline, did they not, at one of these discussions in the school?

A. Yes, we had at one session—we had the Labor Relations man to come in—in fact, it was for two sessions just lately.

Q. The Labor Relations man would come in more or less be the leader? Wouldn't the class be conducted on a more or less conference method?

A. The classes were conducted by a thesis. The Labor Relations man was in there to explain certain functions of the organization and labor relations.

*Testimony of Prosper Traen*

Trial Examiner Jaffee: And to answer questions?

The Witness: Yes.

Q. (By Mr. Dahling): And you asked questions and got into discussions between yourself and the group on these problems?

A. That is right.

Q. Did you have one session considering the subject of morale?

A. Yes, I believe we did.

Q. And also considerable time was spent in discussing what it takes to make a foreman? Isn't that true?

A. Yes.

Q. Did you have—

542 A. (Interposing): Something along that line to make a better foreman, or something like that.

Q. Then they also considered, did they not, at the school; the question of promotions and transfers?

A. On demotions and transfers.

Q. And also promotions?

A. Yes.

Q. And also on work classifications and rates of pay?

A. I don't know whether there was such discussion on classifications or not.

Q. You don't remember very much on that?

A. There were so many classifications, I do not know.

Q. And there was some discussion as to the rates of pay?

A. From time to time rates of pay would be bound to crop up in any discussion.

Q. And there was discussion with respect to Labor Relations?

A. Yes.

Q. And I suppose that there were quite a few discussions in that connection, were there not?

A. Definitely.

Q. Were you also given instructions or did you also have conferences in connection with how to handle a new man that came into your department?

A. Yes.

543 Q. And your approach that might be used to build him into your organization?

A. Yes.

*Testimony of Prosper Traen*

Q. And also discussions upon departmental cleanliness and the results of cleanliness?

A. Yes.

Q. And also with regard to employee investigation and identification?

A. Yes.

Q. And you also discussed the selecting and training of additional supervisors, did you not?

A. We might have. I suppose we did. There were a lot of topics that we discussed.

Trial Examiner Jaffee: By the way, did you attend all the classes?

The Witness: No, I did not attend all of them.

Mr. Dahling: That is why I am trying to find out just what classes the witness did attend and whether he remembers the subjects that were discussed.

Q. (By Mr. Dahling): Did you attend a class in connection with safety promotion?

A. Yes, I had the safety promotion man in several classes and we talked about safety.

Q. Did you attend a session on the need for planning and how to plan?

544 A. I guess I did.

Q. You recall that, do you?

A. I think I did.

Q. And you had one session on promotion from within and training, did you not?

A. I am only guessing at some of these, I don't remember them all. They go pretty far back.

Q. You have been attending this school for quite a period of time, haven't you?

A. Yes.

Q. Well, as a matter of fact, you do feel it is part of your duty to train employees for the purpose of being promoted into supervision, do you not?

A. Training employees?

Q. Yes.

A. It is part of my duty to train employees to do a better job at all times.

Q. And you are training them to take over supervisory jobs?

*Testimony of Prosper Traen*

A. Many of them do.

Q. And you may recommend that they be given a job in supervision?

A. I may recommend, but it doesn't mean that it will be acted upon.

Q. You have already testified that they have been  
545 acted upon favorably?

A. Once.

Q. How many times have you recommended and it has not been acted upon favorably?

A. I couldn't say. Eighteen years is a lot of years.

Q. Mr. Traen, in order not to waste too much time here I am going to show you a list of subjects, beginning with the special series for the summer of 1941, and ask you to read off the sessions that you attended. Perhaps it might be better if you read it over and tell me those you did not attend.

A. I am sorry, I cannot go through here and tell you those.

Trial Examiner Jaffee: You mean you cannot tell on the basis of the way the list is prepared, or what?

The Witness: Yes. You see, the wording might mean a certain subject that might have been taken up, although I say this—I didn't miss a lot of sessions but I did miss an occasional one, that is all.

Q. If the record would show that during the special series of the summer of 1941 there was discussed the training plan for supervisors and the application and understanding of the plan, the timing of the job, records required, advancement and upgrading, teaching procedures to be followed by foremen, would you say that you

546 attended most of those or all of those?

A. Most of them I attended. As I said before, I did not miss too many, but I might have missed a few. I tried to make them all when I could.

Q. When you missed them didn't you try to make them up by going with another session?

A. There were some that I missed that I was able to make up in other sessions.

Q. And you attended practically all of the hearings?

A. The largest part.



*Testimony of Prosper Traen*

Q. From 1941 up to date the conferences covered the question of overtime, grievances—do you remember being present at that time?

A. Possibly.

Q. You have no clear recollection?

A. I have no clear recollection.

Q. You did at times, during the course of this study, go into the question of grievances?

A. Yes.

Q. Labor policies, government control of manpower, plant protection, the federal income tax, selective service, replacement schedule, safety and clean-up, manpower control, employment of women, a morale building program, the Packard Induction School, and the current tax payment act, do you recall those?

547 A. Yes, I remember a large majority of them.

Q. And you attended a large majority of those?

A. Yes.

Trial Examiner Jaffee: Please, Mr. Dahling, do not go too much on the tax aspect.

Q. (By Mr. Dahling): Yes. Following that in July of 1943 there were meetings with respect to the relations with employees training to meet Company problems, safety committee and planning, departmental problems, the answers for some departmental problems, plant efficiency, material control, inspection, tools and tool grinding, plant engineering, processing and lay-out, plant loading and on the job training, foremen's responsibilities and authorities, plant guards and discipline, job relations training, quality control, army and navy inspection, do you recall attending most of those sessions?

A. Yes.

Q. And the school continued through 1944 and is still continuing, isn't it?

A. Yes, there was a lapse in there some time now but it is now in effect again.

Q. And you are receiving your notices as to when you are supposed to appear?

A. The last notice was every two weeks, I think.

Q. Every two weeks?

*Testimony of Prosper Traen*

548 A. Yes.

Q. In 1944, do you remember attending classes where these subjects were discussed, understanding problem employees, handling problem employees, the quality and technique of leadership; selecting and upgrading employees, the foreman's attitude towards his job, handling grievances, the foreman and the shop steward, developing job satisfaction, increasing the personal efficiency of the foreman, maintaining a two-way channel of communication between top management and foremen and the psychological aspect of delegating authority and responsibility. Would you say that you attended those sessions?

A. I would say the majority of them I attended.

Q. Would you say that you could have attended them?

A. We' there were times there when the session was set for a certain hour and at those times I was so busy I forgot to go. That is all.

Q. That is realized. Your Company attempts to make arrangements for you to attend the same class with another session; do they not?

A. That is right.

Q. You receive a schedule showing when you can pick that up when you want to do so?

A. You do not receive a schedule, you are supposed to know that.

549 Q. But the full opportunity is given to you to attend all of these classes?

A. Yes.

Q. And you have been rather religiously attending?

A. Yes.

Q. Do you think it is a good thing?

A. It is all right.

Q. I presume that the purpose and idea is to give you a broader picture and help you do your job better?

A. That is right.

Q. Mr. Traen, you testified that you worked in the coal mines in Illinois?

A. Yes.

Q. Were you a member of the Mine Workers Union, is that the name?

A. Yes.

*Testimony of Prosper Traen*

Q. How long were you a member of that Union?

A. For nine years.

Q. Did you ever hold any official position with the Union?

A. No.

Q. Were there any strikes while you were a member?

A. Yes.

Q. One or more than one?

A. There may have been more than that.

550 Q. And your recollection is you say, that there was probably more than one during that nine-year period?

A. Yes.

Q. As a member of the Union you went out on strike with the other members of the Union, I suppose?

A. Yes;

Q. Picket lines were established?

A. They had no picket line there.

Q. You mean they did not need picket lines when they struck, everybody struck?

A. That is right.

Q. Of course then there would be no need for anyone running a picket line, would there?

A. No.

Q. How long did this one strike last that you say you remembered?

A. Yes. I remember one that lasted six months.

Q. And there were possibly other strikes also?

A. There could have been other strikes.

Q. Do you remember any of duration that long?

A. No, that was the longest one.

Q. Mr. Traen, in the official report of the proceedings for yesterday, I am referring to page 291, the following question was asked by Mr. Donovan of Mr. Keys (reading):

551 "Mr. Donovan: What obligations in general does a member assume when he becomes a member of the Foreman's Association of America?

"A. What obligations to the Association?

"Q. Yes.

*Testimony of Prosper Traen*

"A. He pays his dues, attends his meetings, lives up to the Constitution and he should believe in the principles of unionism and fight for it."

Would you answer that question in the same manner that Mr. Keys answered it?

A. Yes.

Q. And you believe that every Union member should believe in the principles of unionism and fight for them?

A. Yes.

Q. What are those principles you have in mind?

A. Some of the principles were quoted and jotted down at the beginning there.

Q. Well, one of the principles is the seniority, would you say?

A. Seniority?

Q. Yes, is that a principle of unionism?

A. Yes, a man should be able to protect his seniority.

Q. All for one and one for all, isn't that the usual statement that is made with respect to unions?

A. Yes.

552 Q. Your principles and objectives of unionism, right down the line, are about the same as, we will say, in the CIO and the AF of L?

A. Good unionism, yes.

Q. You say that is good unionism?

A. That is what I go for, good unionism.

Q. Those principles, whether they are properly carried out or not, are demonstrated in the various contracts and arrangements and objectives of these workers unions, are they not?

A. I suppose so, I don't have much to do with the contracts of other unions.

Q. Now, I presume also that anyone who believes in the principles of good unionism would be willing to go out and fight for them, as Mr. Keys said?

A. Yes.

Q. And one of the principles would be, would it not, Loyalty to the members of the Union?

A. Loyalty to one another, yes.

Q. Loyalty to one another? As a matter of fact, Mr.

*Testimony of Prosper Traen*

Traen, the Constitution of the Foreman's Association of America on the cover sheet has the seal—I believe this is Exhibit 1, your Constitution?

Mr. Karasick: There are several constitutions.

Mr. Dahling: This is the 1941 Constitution.

Mr. Nelson: That is Exhibit No. 4.

553 Mr. Karasick: Petitioner's Exhibit No. 4.

Mr. Dahling: I am told that this pamphlet I have in my hand entitled, "Constitution of the Foreman's Association of America" is Petitioner's Exhibit No. 4. Now, that has on it a seal, has it not?

The Witness: Yes.

Q. (By Mr. Dahling): And on each side of the seal—on one side of the seal is the word "Leadership" and on the other side is "Fidelity," isn't there?

A. Yes.

Q. Is that the seal of the Foreman's Association of America?

A. That's the seal, there (indicating).

Mr. Nelson: More properly, it is the emblem.

Mr. Dahling: I think emblem is much better.

Q. (By Mr. Dahling): Is this the emblem of the Foreman's Association of America?

A. Yes, that is it.

Q. Now, this word "Fidelity," I suppose, means among other things, loyalty, does it not?

A. Yes.

Q. And faithfulness?

A. I suppose so.

Q. And a concern for obligations?

A. Concern for interest of others, I think.

554 Q. When you say "interest of others," of course you are referring to the members of the Union who are with you in the Foreman's Association of America?

A. Yes.

Q. And your loyalty, of course, when you refer to that—you are referring to loyalty to the members of your particular Association?

A. That is right.

Q. Mr. Traen, your Union, the Foreman's Association of

*Testimony of Prosper Traen*

America; is designated as an independent union. What do you mean by "independent"?

A. We mean not affiliated with any other organization.

Q. In other words, you have just the Foreman's Association of America and it is not affiliated with any other union?

A. That is right.

Q. And it is, however,—its chapters are a part of the Association itself?

A. Yes.

Q. Would you say, however, that the union, it is part of the labor movement?

A. Part of the labor movement?

Q. Yes, that is using the term labor in a broad sense?

A. Yes, it is a labor movement just like any other labor movement.

555 Q. Are you in favor of having the Union independent?

A. Very much so.

Q. Why do you think it should be independent?

A. Because we believe we can service our members better by being independent.

Q. Is that the only reason that you have?

A. That is the only reason I can think of right now.

Q. Do you think that it would be proper, in your opinion, for the Foreman's Association of America to take in the labor rank and file employees?

A. No, I do not.

Q. Why do you think that that would not be right?

A. They have a labor organization of their own.

Q. Let's say that they did not have a labor organization of their own, would you think that the Foreman's Association of America should permit them to take a membership in your Union?

A. Would I think so?

Q. Yes, I would like to have your opinion?

A. Only my opinion?

Q. Yes, your opinion?

A. My opinion is only one. As far as the Foreman's Association of America goes, things like that are decided far above me. I am only the president of Chapter No. 5.



*Testimony of Prosper Traen*

Q. Yes, that is why I want your opinion.

556 A. And you asked me whether they should belong?

Q. Whether in your opinion the workers should be permitted to join your union?

A. No, I do not think they should?

Q. Why don't you think they should?

Trial Examiner Jaffee: This is all on the assumption that they have not a union of their own?

Mr. Dahling: Yes, if they haven't a union of their own.

The Witness: Well, the job is different than theirs, as far as that goes, there is a little difference in the category there.

Q. (By Mr. Dahling): Their jobs are not comparable to your jobs, are they?

A. No.

Q. And their duties and responsibilities are not comparable, are they?

A. No.

Q. Do you think that people who have the right to fire or recommend the firing or disciplining of workers should be in the same union with workers?

A. No.

Q. You do not?

A. No.

Q. In other words, it would not make for good  
557 unionism if you included in one union people who had power to fire or recommend the firing, disciplining or changing of classifications of other members of the same union?

A. I do not know whether it would make good unionism or not. I have never seen it practiced or heard of being practiced. I wouldn't be able to answer it.

Q. What do you think about it?

A. I don't know, as I stated before.

Q. Do you think that would be proper?

A. I do not know whether it would be or not.

Q. You are the president of this Union and you say it is an independent union, haven't you any opinion as to the type of members you should have in your union?

A. Yes, we have definite opinions.

Q. Have you any opinions?

*Testimony of Prosper Traen*

A. Our Constitution tells us that.

Q. That was the Constitution that was adopted for a purpose?

A. For that purpose, yes.

Q. And it includes only so-called supervisory employees?

A. That is right.

Q. I am asking you your opinion as to whether or not there should be included in a union people who have the right to recommend the firing or disciplining of others in the same union?

558 A. People who have the right?

Q. Yes.

A. To fire?

Q. Yes.

A. And hire?

Q. Yes, or to recommend it?

A. Or to recommend it?

Q. Yes.

A. People who recommend it, such as foremen?

Q. Yes, should they be grouped in the same union with people over whom they can exercise this power and authority?

A. No, I do not think they should be.

Q. Now, Mr. Traen, you were president of the Packard Local at the time of the strike in May, 1944, weren't you, or was it 1943—I am sorry, May of 1944?

A. The Packard Chapter?

Q. Yes.

A. Yes.

Q. Did you call that strike?

A. No, sir.

Q. Was there a meeting at which it was voted that the strike should be called?

A. Yes, there was a secret ballot.

Q. There was a secret ballot taken?

559 A. Yes.

Q. And the men voted to strike and you issued the strike order?

A. I didn't have to issue it.

Q. There was no proceeding under your chapter by-laws or constitution that required that?

*Testimony of Prosper Traen*

A. After the ballot was counted that was all we needed.

Q. Did you take that matter up with your national organization?

A. I called their attention to it after the gentlemen walked out.

Q. You didn't have their approval at the time?

A. No.

Q. Did you attempt to stop it?

A. Yes.

Q. And you were unsuccessful?

A. Very much so.

Q. What attempt did you make to stop the strike?

A. My attempt to stop the strike was prior to the vote. In fact, it was my intention to even stop the vote. I was flatly told that if I continued the way I was I was going to be recalled immediately.

Q. In a case of that sort it would be the majority that ruled and they could recall you if they did not like what you did?

560 A. Yes.

Q. And that would go to any action your chapter might take? The majority would control?

A. Yes.

Q. And the majority in this case voted to strike, even though you did not want a strike?

A. Yes.

Q. And you had to go along with the majority?

A. Yes.

Q. And being a good Union man, you, of course, went along with them in a case of that sort?

A. Yes.

Q. How long did that strike last?

A. I believe it was a week or ten days—it was fifteen or—no, it was thirteen days, I believe it was.

Q. The plant was eventually closed down, was it not?

A. Yes.

Q. Closed down for lack of supervision?

A. Yes.

Q. And that resulted, of course, in a loss of production of Rolls Royce engines for airplanes and Marine engines for the PTs, didn't it?

*Testimony of Prosper Traen*

A. Yes.

Q. Did you as president of your chapter, give the notice required under the War Disputes Act as amended?

561 A. No.

Q. Did you give notice under the Michigan Labor Act requiring the giving of such notice?

A. No.

Q. Did you ever take any disciplinary action against anyone for this strike?

A. No.

Q. You felt that if the majority wanted to strike why that was their privilege and they could vote your chapter into a strike?

A. Yes.

Q. Was it a mere coincidence, Mr. Traen, that there were a number of other strikes in Detroit plants at the same time as the Packard strike?

A. Was it a coincidence?

Q. Yes.

A. I don't know how the other strikes happened.

Q. I am referring to strikes of foremen?

A. That is what I understood.

Q. There were other strikes of foremen at that time in Detroit, were there not?

A. Yes.

Q. What other companies had strikes, if you can recall?

A. Hudson, Briggs, Murray, and there was the aeronautical Company and I think there were some more.

562 Q. And those strikes all occurred approximately the same time?

A. I would say within a week, or something like that.

Q. What company struck first, do you recall?

A. I believe it was Briggs.

Q. Well, was that called to the attention of your meeting when you held your strike vote?

A. No.

Q. And you did not know that Briggs had gone out at that time?

A. We knew, but that did not have anything to do with it.

*Testimony of Prosper Traen*

Q. Did you know that Briggs had gone out at the time you called your strike meeting?

A. At the time of the vote, I believe we knew they were out.

Q. And you did not talk to any representatives of the Briggs Union?

A. No, not at that time.

Q. Did they send any communication to you?

A. No.

Q. And your strike had nothing to do then, I take it, with the Briggs strike?

A. No.

Q. And did you have any communication with any of the other foremen union officials or members that struck  
563 at the other plants you named?

A. Prior to the time we went out?

Q. Yes.

A. No.

Mr. Donovan: I am sorry I over-stayed my time. May we adjourn at this time?

Trial Examiner Jaffee: Very well, we will recess until 2:15 o'clock.

(Thereupon, a recess was taken until 2:15 o'clock P. M.)

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After Recess.

(Whereupon the hearing was resumed, pursuant to the recess, at 2:15 o'clock p. m.)

Trial Examiner Jaffee: You may proceed, gentlemen.

**PROSPER TRAEN**

resumed the stand, was examined and testified further as follows:

**Cross-Examination (Continued).**

Q. (By Mr. Dahling) Mr. Traen, before the noon recess we were going into the matter of the foremen's strike at Packard's in May of this year. During that strike, did the foremen picket the Packard plants?

A. There was no picket line.

*Testimony of Prosper Traen*

Q. When you say there was no picket line, you mean there were no pickets marching up and down?

A. That is right.

Q. And that is what you call a picket line?

A. Yes.

Q. Did you have men stationed at the various gates?

A. There were members at the gates. I did not have them there.

Q. There were men at the gates?

A. Committeemen, yes.

Q. They were foremen?

A. Yes.

565— Q. Packard foremen?

A. Yes.

Q. Were there foremen of any of the other plants there?

A. Not to my knowledge.

Q. Did you inspect these foremen stationed at the gates from time to time?

A. No, I rode around the plant, if that is what you mean?

Q. You rode around the plant?

A. Yes.

Q. Was that once or twice or were you there every day?

A. I wasn't there every day.

Q. And the strike lasted about how many days?

A. About thirteen days, I understand.

Q. How many days were you at or around the plant during that period?

A. Maybe six days, or something like that. I am not so sure about that.

Q. Did you ride around the plant each one of those six days?

A. Yes.

Q. Did you notice that there were foremen stationed at the gates?

A. Yes.

Q. And so far as you know, they were there every day during the strike, were they not?

566 A. I wasn't there every day and I couldn't say.

Q. Did you have reports come to you that these men were there?



*Testimony of Prosper Traen*

A. I have had reports that they were there.

Q. Did you request these men to leave?

A. Did I request them?

Q. Yes.

A. No, I never requested them to leave.

Q. During the time of the strike, did you have various meetings?

A. Yes.

Q. Each day?

A. Yes.

Q. Did the officers of the Union have a certain place where they met and could be found at all times?

A. Yes.

Q. Where was that located?

A. On Harper.

Q. On Harper?

A. Yes.

Q. Did you rent a place there?

A. Yes.

Q. And is that an office building or a store?

A. It is a hall.

Q. What was the address of the hall?

567 A. I don't remember. It is the place above Mr. Lapinski's flower shop.

Q. Where is that? Harper and what cross street?

A. Harper and Frontenac.

Q. And you had someone in those offices at all times?

A. Yes.

Q. And did reports come to you as to the progress of the strike?

A. When I was in there, there was some reports that came in.

Q. If you were not there, were some other officers of the Union there?

A. Yes.

Q. And you established that as a more or less strike headquarters, did you not?

A. Yes.

Q. How many men, foremen, were on those gates at the Packard—on each gate?

A. I don't know.

*Testimony of Prosper Traen*

Q. Well, when you drove by, how many did you see on those six days?

A. Oh, they vary, I would say from let's say two up to a dozen or fifteen.

Q. What did the foremen do, these foremen at the gates?

A. They stood in groups and talked together.

568 Q. What if another foreman came up and evidenced intentions of going through the gate? What did they do.

A. I didn't see them do anything.

Q. Do you know whether they talked with that man?

A. They might have.

Q. And they might have tried to persuade him from going in?

A. That might be possible.

Q. That might be possible, even though he might have wanted to go in and work?

A. They might have talked to him, yes.

Q. What you mean by that is that they didn't slug him or knock him down?

A. Yes.

Q. They tried to persuade him not to go in because you were on strike?

A. Yes.

Q. After the strike started at Packard, did any of the officials of your Packard Chapter have any meetings with any of the officials or members of any of the other chapters of the Foreman's Association of America, which were on strike at that time, at other plants in Detroit?

A. After the beginning of the strike, after, I would say about—I don't know, but possibly a week later, or something like that.

569 Q. What was discussed at those meetings?

A. Foremen's problems.

Q. Did you get into any discussion of any solidarity—that is to say, that you would not go back at the Packard until they went back at the other plants?

A. No.

Q. And you had no discussion of that sort at all?

A. We were discussing foremen's problems.

Q. And you say you did not discuss those problems; did

*Testimony of Prosper Traen*

you discuss having foremen from the other plants help you out in picketing the gates at the Packard Plant?

A. No, we had no foremen from other plants, to my knowledge.

Q. From any other plants?

A. No, not to my knowledge.

Q. Did Packard foremen help out any of the foremen at any of the other plants?

A. No, not to my knowledge.

Q. And you remained on strike, I believe you said, 13 or 14 days?

A. I believe it was 13 days.

Q. Why was the strike called off?

A. It was called off at the request of our national officers.

Q. Your national officers sent word to all of the chapters to stop the strike?

A. Yes, we had word from Washington.

Q. And you hadn't asked them in the first place whether you should strike or not, had you?

A. No.

Q. Why did you then follow their request to abandon the strike?

A. Well, the membership deemed it that way and that is the way they voted.

Q. Then they voted again?

A. They voted again.

Q. And the majority voted to abandon the strike?

A. That is right.

Q. And the majority would rule in that case?

A. That is right.

Q. Were you the only foreman who was opposed to the strike?

A. No.

Q. There were a number of others?

A. There were others.

Q. About how many, would you say?

A. I don't know.

Q. Well, would it be two?

A. Possibly two, and it might be more than that also.

Q. Would it be 100?

*Testimony of Prosper Traen*

571 A. I couldn't say.

Mr. Donovan: I do not hear the witness very well. Mr. Examiner, would you ask him to speak a trifle louder?

Q. (By Mr. Dahling) It would be somewhere, then, between two and one hundred?

A. I didn't say that.

Q. Would it be between two and one hundred?

A. I wouldn't know. I had occasion to talk to a few of them.

Q. The few that you talked to were opposed to the strike?

A. Some were and some were not.

Q. But those who were opposed to the strike were bound by the majority rule and had to stay out?

A. That is something we did not discuss with those who were opposed to it.

Q. You didn't discuss that?

A. No.

Q. But they did stay out?

A. Yes.

Q. Even though they felt they should be in there working?

A. I don't know how they felt.

Q. Did any of them tell you that inasmuch as Packard was engaged in producing engines for the United States Army and Navy and war production, that you  
572 should go back in and go to work?

A. No.

Q. Even though they felt that way, if they were members of the Union, they were bound to stay off because of the majority rule?

A. Yes, they did stay out.

Q. Which is the greater, Mr. Traen, your loyalty to your Union or to the Company?

Mr. Nelson: I object to that.

Trial Examiner Jaffee: Objection sustained.

Q. (By Mr. Dahling) Before the Foreman's Association of America was organized, were there any strikes at the Packard Plant by foremen?

A. Foremen's strike?

Q. Yes.

*Testimony of Prosper Traen*

A. I don't remember of any foremen's strike in a body. There might have been some individuals who walked out.

Q. Do you say there might have been? Do you know?

A. Yes.

Q. Did they walk out because they were associated with the Union?

A. They walked out because they were dissatisfied.

Q. When did that happen?

A. I have seen it happen numerous times during an eighteen year period.

573 Q. How many times?

Mr. Nelson: I assume that you are referring to more than one foreman?

Mr. Dahling: I was going to ask that as soon as I found out how many times these foremen walked out.

Mr. Nelson: Individual foremen walked out an indefinite number of times.

Mr. Dahling: He said that there were foremen walking out and he indicated strikes of foremen.

Mr. Nelson: Bodies of foremen? Bodies of foremen quitting and walking out? More than one?

The Witness: He asked about individual foremen.

Mr. Nelson: Individual foremen.

Mr. Dahling: I will ask a further question. We will forget that last one.

Q. (By Mr. Dahling) I asked you if the foremen at the Packard's had ever gone on strike prior to the organization of the Packard Chapter of the Foreman's Union or Association, I believe you call it?

A. As a body, you mean?

Q. As a body.

A. No.

Q. And I believe that you then testified that at various times or at some time various groups of foremen had walked out, is that correct?

574 A. I never said groups. I said individuals.

Q. Individuals had walked out?

A. Yes.

Q. And that was because of dissatisfaction on the part of those individuals?

A. Yes.

*Testimony of Prosper Traen*

Q. And there had never been any group strike action by foremen?

A. Not to my knowledge.

Q. And you have been there 18 years?

A. Yes.

Q. 18 years with no group action?

A. Not to my knowledge.

Q. And these individuals that walked out, did they just walk out and quit their jobs?

A. Yes, they had no alternative.

Q. But they had the privilege to quit?

A. Yes.

Mr. Dahling: Mr. Examiner, I believe that is all.

Mr. Nelson: May I have your exhibit, Mr. Dahling?

**Redirect Examination.**

Q. (By Mr. Nelson) Mr. Traen, I suppose any working men at the Packard Company can hand in a recommendation or suggestion, can't he?

A. Yes.

575 Q. Well, for that matter, anybody could from the outside if they were so motivated?

A. Yes.

Q. So far as the recommendation or the suggestion is concerned, is the power to act upon them in the hands of any foreman of any rank, that you know of?

A. No, sir.

Q. Mr. Traen, I notice that Exhibit 3, the clearance slip—

Trial Examiner Jaffee: (Interposing) Petitioner's or Company's Exhibit 3?

Mr. Nelson: Company's Exhibit 3, yes, sir. These are Company Exhibits I am referring to now.

Q. (By Mr. Nelson, continuing) —three, six, twenty-four-hour notice, twelve, the transferred labor slip, fourteen, the time exception report, they are all on onion skin. You observe that?

A. Yes, sir.

Q. Presumably, those are not the originals, is that the fact?



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A. No, sir, they are not.

Q. Tell us now whether the originals of those onionskins contain signatures additional to those that appear on the onionskin?

A. They do.

576 Q. And what signatures?

A. The signature of the assistant manager.

Q. I observe that Company's Exhibits 4, 5<sup>d</sup>—sorry, I withdraw that. Company's Exhibits 15, 8 and 10, I believe—there is a hole in it—and, no, just Company's Exhibits 15, 8 and 10 are carbon copies. While they are not onionskin, they are carbon copies, and presumably they are not originals?

A. No, they are not originals.

Q. And do you know whether these carbon copies contain all of the signatures that would appear on the original and main document?

A. All of the signatures are on—I think this is March 15.

Q. All of the signatures are on 15?

A. Yes.

Q. As they would be on the original document?

A. Yes.

Q. Thank you.

A. (Continuing) And this one has the signature on, too. I don't know what it is.

Q. It is Exhibit 10, I believe. It is the requested change in classification, relating to the case of Locklaw Gonsowski, dated 12-6-44. That has the division manager's signature on?

577 A. Yes, and this one hasn't got all the signatures on it.

A. That is Exhibit 8, that is the penalty in the case of E. C. Williams?

A. That is right.

Q. What other signatures appear on the original, would appear on the original of that in the normal course, to make it a valid document?

A. On the original copy the assistant division manager's signature should be on there.

Q. Now, I must add to this list of carbon copies Ex-

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hibit 7, which I now do, and show you that is a carbon so far as the portion not originally printed is concerned, is it not?

A. Yes.

Q. Now, do all of the signatures appear?

A. No.

Q. Would they all appear in the case of the original?

A. Yes.

Q. What additional signatures would appear on that original document?

A. The assistant division manager.

Q. Before it would be effective?

A. Yes.

Q. While we are on the matter of forms, Mr. Traen, I am asking the Reporter to mark six additional  
578 forms, beginning with number 17?

(Thereupon the documents above referred to were marked Petitioner's Exhibits Nos. 17, 17-A, 18, 19, 20, and 22 for identification.)

Q. (By Mr. Nelson) Showing you now Petitioner's Exhibits 17 and 17-A, I think we can agree without further direct questioning that 17-A is a carbon of 17, isn't it?

A. That is right.

Q. The original 17 is in sort of an orange color, and the 17-A is a greenish color, to distinguish the two readily?

A. Yes.

Q. But they are the same form?

A. Yes.

Q. Is that a form used by foremen now in the Packard Company?

A. In the Packard Company, in the Aircraft Division.

Q. Yes, it is, a tool report,—it so indicates?

A. Yes.

Q. And do you make these out?

A. I do not have anything to do with that particular report. That is in the aircraft division.

Q. And who makes it out there?

A. The foremen in the aircraft division.

Q. The foremen in the aircraft division.

I show you Exhibit 18; that is a request for advance of wages due form. Is that a form used by you?

*Testimony of Prosper Traen*

- 579 A. Yes, that is a request for advance in wages.  
Q. And that is apparently used by foremen in the Packard Company Plant now?  
A. Yes.  
Q. And has been for some time?  
A. Yes, sir.  
Q. And form 19 is a form used, is it, — general group allowance?  
A. That is aircraft division also.  
Q. In use by foremen, however?  
A. Yes.  
Q. At the present time?  
A. Yes.  
Q. For the purpose stated on the blank, on the form?  
A. Yes, sir.  
Q. Exhibit 20, is that a form currently in use by foremen—and when I say that, I mean in use in the performance of their duties?  
A. Yes.  
Q. By you, as well as others there?  
A. Yes.  
Mr. Donovan: Mr. Nelson, will you just indicate what the nature of the form is? You see, you are giving us nothing but the number.  
Mr. Nelson: Oh, I thought I had. I am sorry. If you  
580 just wait one moment, until I get through this, I will do that.  
Q. (By Mr. Nelson) Exhibit 21 is likewise a form, is it?  
A. Yes, it is a hospital pass card, a pass to the hospital.  
Q. And Exhibit 22 is likewise a form currently in use in the Packard Plant?  
A. Yes.  
Q. By foremen?  
A. Yes.  
Q. In performing their duties?  
A. Yes.  
Q. Now, Exhibit 17 is a tool report; it has a serial number in red on it, and there is a carbon copy, because the back of the original is carbonized so as to carry on it a second sheet.  
Exhibit 18 is request for advance of wages due.

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Exhibit 19 is general group allowance.

Exhibit 20 is standard time allowance.

Exhibit 21 is, you said, hospital pass?

A. Yes.

Q. Pass to a hospital. That happens to be printed on both sides, it is in card form?

A. Yes.

Q. It is for a substantial amount of information, apparently?

581 A. Yes.

Q. And Exhibit 22 is a recommendation for a change in rate.

Now, Mr. Traen, together with the forms put in evidence in specific cases by Mr. Dahling in your testimony here today, do these Petitioner's Exhibits 17 to 22, both inclusive, cover the range of forms used currently by foremen in the Packard Plant?

A. It pretty well covers them.

Q. In the performance of their duty?

A. Yes.

Q. And these forms indicate the type of action and the type of information and recommendation that foremen currently make in the Packard Plant?

A. Yes, sir.

Q. And these are all, are they, in the performance of their duties?

A. Yes.

Q. Now, if there are any others, we have just inadvertently overlooked them, is that right?

A. Yes.

Q. We have tried to get them all?

A. Yes.

Mr. Nelson: That was our purpose. Now, I offer exhibits 17 to 22, both inclusive, in evidence.

582 I offer them to counsel for the Company for examination. I regret that I only have one of each of those; but for obvious reasons, we did not feel that we had an unlimited supply at our disposal.

Mr. Dahling: There is no objection, Mr. Examiner.

Mr. Nelson: I will now offer them to attorney for the Board.

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Mr. Karasick: There is no objection.

Trial Examiner Jaffee: They will be received.

(The documents heretofore marked Petitioner's Exhibits Nos. 17, 17-A, 18, 19, 20, 21 and 22 for identification were received in evidence.)

(Thereupon the document above referred to was marked Petitioner's Exhibit No. 23 for identification.)

Q. (By Mr. Nelson) I show you Petitioner's Exhibit 23, being eight pages of correspondence sized paper, clipped together, and ask you if you recognize what that is; or I will ask you directly if that is the contract presently effective between the maintenance and production workers, the hourly rated employees at the Packard Plant, where you work, and the Company?

A. Yes, it is.

Q. The one presently effective?

A. Yes, sir.

Q. And when you were referring to regulations that were covered by contract between the Company and its hourly rated workers, you were referring to such regulations as are in or based upon this agreement?

A. Yes, sir.

Mr. Nelson: I will offer the document in evidence, and offer it to counsel for examination.

Mr. Dahling: I am not doubting your word at all, Mr. Nelson. I just want to be sure that our copy is the same as yours, that is all.

Mr. Nelson: Surely, that is agreeable. We, naturally, are acting on information in this respect ourselves.

Mr. Dahling: We have no objection; it apparently is from the same mimeographing machine.

Mr. Nelson: And I offer it to counsel for the Board.

Mr. Karasick: There is no objection.

Trial Examiner Jaffee: It is received.

(The document heretofore marked Petitioner's Exhibit No. 23 for identification was received in evidence.)

Mr. Karasick: Have you a copy of it that is available?

Mr. Nelson: I believe that we only have the one copy, but Mr. Dahling kindly lends us his, if you want to make a more detailed examination of it; and I deliver the original exhibit to the Examiner.

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Trial Examiner Jaffee: It will be received in evidence.

584 (Thereupon the document above referred to was marked Petitioner's Exhibit No. 24 for identification.)

Q. (By Mr. Nelson) In the course of your examination, Mr. Traen, you have been asked about rules and regulations, and I show you Petitioner's Exhibit 24, a correspondence size sheet of paper typewritten, dated as a re-issue December 14, 1944, and ask you if that is a list of the rules and regulations currently circulated by the Packard Motor Car Company among foremen in its plant?

A. Yes, sir, it is.

Q. And you received one in the proper performance of your duty?

A. Yes, sir.

Q. And are those the rules and regulations, or at least, some of them, that you referred to in your testimony?

A. Yes, sir.

Mr. Nelson: We offer it in evidence. I offer photostatic copies to counsel for the Board and counsel for the Company, and I offer the original to the Examiner; and I offer it in evidence.

Mr. Dahling: There is no objection.

Mr. Karasick: There is no objection.

Trial Examiner Jaffee: Petitioner's Exhibit 24 is received in evidence.

(The document heretofore marked Petitioner's Exhibit No. 24 for identification was received in evidence.)

585 Trial Examiner Jaffee: Mr. Karasick, I believe you wanted a few minutes at this time?

Mr. Karasick: I would like to have a recess, your Honor, if we may.

(A short recess was taken.)

Trial Examiner Jaffee: Gentlemen, please come to order.

Mr. Nelson: Mr. Reporter, will you mark that as Petitioner's Exhibit 25 for identification?

(Thereupon the document above referred to was marked Petitioner's Exhibit No. 25 for identification.)

Q. (By Mr. Nelson) Mr. Traen, I show you Petitioner's



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Exhibit 25 for identification which is denominated here as Labor Relations Division Organizational Chart, and ask you if that is a paper on correspondence size white sheet, that has been lately circulated among foremen in the Packard Motor Car Company Plant?

A. It is.

Q. And it indicates the line and degree of authority of respective men above the maintenance and production workers?

Mr. Dahling: If the witness knows.

Mr. Nelson: It has it on its face, Mr. Dahling.

Mr. Dahling: Then, perhaps we ought to let the instrument speak for itself.

Mr. Nelson: I offer it in evidence. I offer copies of the exhibit to counsel for their examination and the original to the Trial Examiner.

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Mr. Dahling: I have no objections.

Mr. Karasick: No objection.

Trial Examiner Jaffee: I notice that the original has at the bottom in ink the words, "Issued to Departmental Supervision and discussed at foreman's meeting Friday, November 24, 1944." Is that offered as part of the exhibit?

Mr. Nelson: It is. I do not know whether it is on the others or not.

Mr. Donovan: On my photostat "foremen" is spelled f-o-r-e-m-e-n-'s.

Trial Examiner Jaffee: Yes, that is what the original exhibit has, that which I have indicated in ink. There is another slip of paper which has the same thing type-written and the word foreman is spelled f-o-r-m-e-n-'s in typewriting and not in ink.

Mr. Nelson: I don't care which way it is spelled. I offer it in evidence.

Trial Examiner Jaffee: It was obviously meant to be the plural.

Mr. Nelson: If it is on the original, I will take the slip of paper away.

Trial Examiner Jaffee: In any event, Mr. Nelson, I do not think you have qualified the material at the bottom.

Mr. Nelson: I realize that. I will ask the witness whether in fact he received his copy of this on Friday, November 24, 1944 or thereabouts.

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The Witness: I received a copy but it might have been a day later than Friday, the 24th, a day later than the issue date on the copy.

Q. (By Mr. Nelson) Were you at the meeting, the Foreman's meeting where this was discussed?

A. Yes.

Q. And you received your copy there, did you?

A. No, my copy was delivered into my office later.

Q. Later?

A. Yes.

Q. But you heard the discussion on it at the meeting?

A. Yes.

Mr. Nelson: Mr. Examiner, I believe now it is qualified for admission along with the exhibit.

Mr. Dahling: Mr. Examiner, may I ask the witness a question?

Trial Examiner Jaffee: Yes.

Mr. Dahling: The meeting was a meeting of the foremen's school?

The Witness: Yes.

Mr. Dahling: And that is what you mean by a meeting? It was a session of the Foremen's School?

The Witness: That is right.

588 Mr. Dahling: I have no objections.

Mr. Karasick: No objections.

Trial Examiner Jaffee: I understand, then, that this was distributed by the Company?

The Witness: Yes, sir.

Trial Examiner Jaffee: It is received in evidence.

(The document heretofore marked Petitioner's Exhibit No. 25 for identification was received in evidence.)

(Thereupon the documents above referred to were marked Petitioner's Exhibits Nos. 26 and 27 for identification.)

Q. (By Mr. Nelson) Before the noon recess today, Mr. Traen, Mr. Dahling was asking you about subjects which were discussed at the Foremen's School at the Packard Plant. I show you Petitioner's Exhibits 26 and 27, and I ask you to ignore the typewritten exhibit number there, and ask you if that is a list of the subjects discussed at the meetings in the periods specified in the exhibit?

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Trial Examiner Jaffee: What do you mean by the statement you are asking the witness to ignore the typewritten exhibit?

Mr. Nelson: "Packard Exhibit 26" at the top.

Trial Examiner Jaffee: You mean that you are asking the witness to ignore the designation "Packard Exhibit 25" and "Packard Exhibit 26"?

589 Mr. Nelson: That is right, because it was in another proceeding. As a matter of fact, this was submitted in the War Labor Board proceeding, and it is an exact copy of that, unfortunately, which contains a duplication of the exhibit number.

Trial Examiner Jaffee: All right.

Q. (By Mr. Nelson) I won't ask you, Mr. Traen, to identify each and every subject matter; just examine the sheet in general, and see if that is a fairly accurate list of the subject discussed in the various periods specified in the exhibit?

A. I distinctly remember some on the '39 and '40 here, although I do not remember all of them; I do remember some of them in here.

Mr. Dahling: Mr. Examiner, if that is the exhibit which was put in evidence before the War Labor Board, we have no objection to its being received in evidence.

Mr. Nelson: I will say that it is, Mr. Dahling.

Mr. Dahling: On your statement, we have no objection.

Mr. Nelson: I offer it in evidence—both of them—and I offer them to Mr. Karasick. As a matter of fact, I checked with Mr. Dahling's questions this morning, and found that the list was accurate. You did not ask him about every subject, but as you went along, my list read like yours did, with the omissions that you made for your own purposes, I assume.

590 Mr. Dahling: The Examiner requested that we leave out text subjects, and so I complied.

Mr. Nelson: I am not questioning the omissions, but I checked as you went along, and the pencil marks indicate my checks as Mr. Dahling went along.

Mr. Karasick: I would like to inquire whether Petitioner's Exhibits 26 and 27 for identification cover in substance the same subjects taught at the Foremen's Training

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School, which were dealt with by Mr. Dahling in his examination of Mr. Traen earlier in the day.

Trial Examiner Jaffee: He just said so, with additional information that Mr. Dahling had mentioned.

Mr. Nelson: My pencil checks are the ones that Mr. Dahling read this morning, in that order, in his questions to this witness.

Mr. Karasick: So there are other subjects not covered in examination previously?

Mr. Nelson: That is right, and I offer them to complete the showing as to what they covered in that school, and it is an exhibit offered in a previous proceeding by the Packard Motor Car Company covering the same subjects.

Mr. Dahling: And I might say, Mr. Examiner, it is an exhibit which we would have offered and we will offer, extended to include subjects since July, 1943; so it is the same exhibit. I did not ask questions as to all of the items.

591 A. I picked out certain items to see if the witness had been at these sessions.

Mr. Karasick: It is somewhat repetitive of matters covered in the prior examination, but since it would be rather difficult to take those out and have others in, I have no objection.

Trial Examiner Jaffee: Besides which, it is all in one place.

Mr. Karasick: There is no objection.

Trial Examiner Jaffee: Petitioner's Exhibits 26 and 27 are received in evidence.

I would suggest that in order to avoid any confusion, an ink line be drawn through the designations which were used in the War Labor Board hearing at the top of those exhibits.

Mr. Nelson: I will do it right now, Mr. Examiner.

Trial Examiner Jaffee: Very well.

Mr. Karasick: What is that heading?

Mr. Nelson: It is foremen's training subjects. Number 26 begins 1939 to 1944, and number 27 is dated July 3, 1944.

Q. (By Mr. Nelson) Mr. Traen, let me inquire whether some of these meetings which you attended as foreman, as

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referred to in exhibits 26 and 27, and in your testimony this morning, there were occasions when foremen asked the Company about the policy, and where the policies of the Company originated or the specific policies of the  
592 Company originated. Were you present at such meetings?

A. Yes, sir.

Q. And what kind of replies did the foremen get when they inquired on those questions of policy, and where it was formulated?

Mr. Donovan: Just a moment, please. I will object to this question, owing to the undefined nature of the word "policy" owing to the fact that we have no means of knowing what this witness understands by the word "policy" as it sits in his mind; that unless counsel defines the word "policy" through this witness first, I think the question should be postponed or stricken.

Mr. Nelson: Let me inquire first, before Your Honor rules on that, whether the word "policy" was used in the question.

The Witness: Yes.

Mr. Donovan: That would not remedy my objection.

Trial Examiner Jaffee: Let me get the last three questions and answers read back, before you go any farther.

(The record was read by the Reporter as requested.)

Trial Examiner Jaffee: I think that Mr. Traen can answer the last questions preliminarily.

Mr. Donovan: I would like to amplify my objection to this extent, Your Honor: We do not feel that any  
593 thing should be on the record giving rise to an unfavorable or an unnecessarily unfavorable and an unjust inference on the part of a reader of the record of some questions of policy that may not have been taken up with the foremen because of the fact that there are almost an innumerable series of policy questions which, as a matter of common sense, no Management would first take up with the foremen before the Company inaugurated them. They start with the board of directors, they cover such fields as the field that the Company will occupy, the competitive field, the distribution of their stock, whether it



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is to be widely or closely held, it suggests an innumerable number of things,—

Trial Examiner Jaffee: Let me interrupt you there. I suggest that the witness for the time being, at least, answer only the last question, whether or not,—in substance, it amounts to this: Whether or not a foreman asks in so many words, "What am I going to do on a policy question?" In other words, all the witness is asked about at the moment is whether a specific question was asked, whatever it means.

Mr. Donovan: Whatever the word "policy" means.

Trial Examiner Jaffee: Whatever the word "policy" means. Was that question asked, that is all.

Mr. Donovan: I do not think the question would have any weight, but I think the answer should be so restricted.

Trial Examiner Jaffee: I am so restricting it, and I  
594 so understood Mr. Nelson to ask.

Mr. Nelson: That is correct.

Trial Examiner Jaffee: Do you understand the question?

The Witness: There was a lot of discussion there.

Trial Examiner Jaffee: Did any of these foremen say in so many words at these meetings, "What am I going to do about policy?"

The Witness: Yes, they asked the teacher, whoever he happened to be.

Trial Examiner Jaffee: You mean they used the word "policy" in their question?

The Witness: They asked him who formulates the Company policies.

Trial Examiner Jaffee: All right, now, go on from there.

Q. (By Mr. Nelson) Now, then, what did they get in the way of information or replies when foremen asked such a question of the teacher.

A. The teacher said he didn't know.

Mr. Nelson: Mr. Reporter, will you mark that as Petitioner's Exhibit 28?

(Thereupon the document above referred to was marked Petitioner's Exhibit No. 28 for identification.)

Mr. Nelson: The Petitioner offers in evidence, because



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of questions asked in cross-examination by the Com-  
595 pany yesterday, Exhibit 28, which is a copy of the  
resolution of the National War Labor Board setting  
up the Foremen's Panel and limiting its authority. I offer  
the resolution as a communication by the National War  
Labor Board to the Foreman's Association of America.  
This is our communication, our notice from them. I offer  
it in evidence and I offer copies to counsel for the Board  
and counsel for the Company; and I offer the original to  
the Trial Examiner.

Mr. Donovan: What is the purpose of offering this in  
evidence?

Mr. Nelson: Mr. Donovan read and was permitted to  
read many things from the transcript of testimony taken  
before the National War Labor Board and from the Peti-  
tioner's brief in that case. He sought an inference to be  
drawn from the relief requested as applicable to this case,  
which was, of course, only applicable as to that case. As I  
stated at that time, by reason of authority—the limitation  
of authority as set forth by the resolution of the Panel.

Mr. Donovan: Because it ~~was~~ referred to in yesterday's  
questioning, is that the only reason you offer it at this  
time? Am I right about that?

Mr. Nelson: Mr. Examiner, in answer to Mr. Donovan's  
question I offer it because of the cross-examination and  
your Honor will remember that Mr. Donovan con-  
596 ferred with Mr. Benjamin and Mr. Iserman and  
others in the court room and accepted transcript of  
that proceeding and then proceeded to cross-examine Mr.  
Keys on it. He cross-examined him on the brief and offered  
my brief in evidence or cross-examined him on it and pre-  
sumably intends to make a contention based upon such  
cross-examination. Now, in order to set that cross-examina-  
tion and the documents referred to in their proper setting  
we offer the resolution of the National War Labor Board.

Mr. Donovan: I still do not see that it has anything to  
do with the purpose that counsel has in mind by intro-  
ducing the offered document. What is your purpose?

Mr. Nelson: The purpose is briefly this, in our brief we  
asked the only relief permissible under the resolution and

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probably under the authority of the National War Labor Board. We offer the resolution in support of our claim that that is so and we offer it only because of the cross-examination.

Trial Examiner Jaffee: Are there any further comments, gentlemen?

Mr. Karasick: No objection.

Trial Examiner Jaffee: Is there any dispute about the fact that this document is what it purports to be, that it is valid?

Mr. Donovan: I do not question Mr. Nelson's  
597 document but I would like to see the original and I would like to examine it.

Mr. Nelson: That is our communication from the National War Labor Board and, of course, we were all present when the Chairman read it into the record in the proceedings in that case. I have every reason to believe it is absolutely accurate.

Mr. Donovan: May we go off the record, Mr. Examiner?

Trial Examiner Jaffee: Off the record.

(Discussion off the record.)

Trial Examiner Jaffee: On the record. It is received in evidence.

(The document heretofore marked Petitioner's Exhibit 28 for identification was received in evidence.)

Mr. Nelson: Mr. Examiner, that is all we care to ask this witness. Do you care to recross-examine?

Mr. Dahling: No further questions at this time from this witness.

**Recross-Examination.**

Q. (By Mr. Karasick) Mr. Traen, if I recall correctly, you testified that prior to the advent of the Foreman's Association there was an organization of foremen at the Packard plant. I think you set the date at some time in 1937, is that correct?

A. Yes, sir.

598 Q. Do you know anything about that organization?

A. No, I don't know too much about it. I knew it was in existence.

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Q. Was it a labor organization?

A. It was a foremen's organization, strictly foremen.

Q. Do you know whether it is still in existence or not?

A. It is not, it is disbanded.

Q. Do you know when it began to organize foremen at the Packard plant?

A. It was in 1937.

Q. Do you know when it disbanded?

A. I think it was in 1938.

Q. Do you know the name of it?

A. No, I don't.

Trial Examiner Jaffee: Did it have a name?

The Witness: It may have had a name but I don't recall the name.

Q. (By Mr. Karasick): Was it limited to foremen in the Packard plant or was it an organization that took in foremen of other plants as well?

A. At that time it was limited to the Packard plant.

Q. Did it later expand?

A. No, it disbanded there also.

Trial Examiner Jaffee: Do you know whether or not it was a labor organization?

599 A. Yes, it was.

Mr. Donovan: Were you asked to join?

The Witness: Yes.

Mr. Donovan: Did you join?

The Witness: No, sir.

Trial Examiner Jaffee: Do you know whether or not it had any officers?

The Witness: Yes.

Trial Examiner Jaffee: Do you know any of them? Do you know what their names were or who they are?

The Witness: I understand at one time there was a president by the name of Hunt, I think it was.

Q. (By Mr. Karasick): Was it an active organization?

A. To my best knowledge it was, yes.

Q. By that I mean did it meet with the Company at all and negotiate a contract or attempt to negotiate a contract?

A. I couldn't answer that.

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Q. You don't know that?

A. I don't know that, no.

Q. I believe you said that during the time you were a straw boss at the Packard Motor Car Company you had at one time 240 employees under your supervision?

A. Yes.

Q. And now you have only seventy employees under your supervision and you are a general foreman?

600 A. Yes.

Q. How does it happen that you are now a general foreman and have only seventy employees when at the time you were a straw boss you had as much as 240? Was that a peculiar situation or was it common or has there been a change since then?

A. It was a common situation at that time for a foreman to have a great amount of people under his supervision.

Q. It was more common for a foreman to have more people under his supervision than he would have today?

A. Yes, sir.

Q. How many leaders do you have in your department?

A. At the present time?

Q. Yes.

A. Two.

Q. Is that the average number of leaders in your department?

A. Yes.

Q. What do leaders do?

A. They instruct the employees as to how to do their job, as to quality.

Q. Do they work?

A. Yes, they work at times.

Q. How much of their time is spent at working as distinguished from telling other employees what to do?

601 A. That differs somewhat, depending on the department.

Q. What would be the rough average, would you say?

A. I would say probably they put one-third of their time actually working on a job or they are instructing the people.

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Q. How many people does each leader instruct? Do they divide the department equally between them?

A. No, it depends where the department is located and what kind of department it is.

Q. I am talking about your department.

A. In my department I have one leader on the third floor who instructs all the polishers and he of course has fifty-four people that he must instruct and work with. On the other hand, I have a leader in the plating room who only has fourteen.

Q. Your department is on more than one floor?

A. Yes, part is on the third and part on the first.

Q. I don't know whether or not you stated how much a leader gets by the way of wages?

A. He receives five cents an hour more than the rank and file employees.

Q. What does he receive, exactly, per hour?

A. \$1.40.

Q. \$1.40?

A. Yes.

602 Q. And you said with respect to Company's Exhibits 3, 6, 12, 14, 8 and 7—those numbers are a little out of order but that is the way you were asked about them, that they were copies of originals and that the originals had the signature of the assistant manager or assistant division manager in each instance?

A. Yes.

Q. Do you remember that?

A. Yes.

Q. Now, what would that mean? That the originals had the signature of the Assistant Manager or assistant division manager—would that mean something with respect to the action taken?

A. Yes.

Q. And do you mean by that that the signature of the assistant manager or assistant division manager indicated that his approval was necessary in each instance?

A. Very much so.

Q. Do you have an office?

A. Yes.

*Testimony of Prosper Traen*

Q. Is it an office of your own?

A. Yes, sir.

Q. Is it an enclosed office?

A. Yes, sir.

Q. Does anyone else share it with you?

603 A. Yes, sir.

Q. Who does?

A. I have the Stock Department clerks that share it with me.

Q. How much of an office is it?

A. I would say about 12 by 12.

Q. Do you have a desk in there?

A. Yes.

Q. Does anyone else use the desk besides yourself?

A. The assistant foreman.

Q. Anyone besides him?

A. That is all.

Q. Who are the people that share this office with you?

A. The Stock Department employees.

Q. How many are those?

A. There are two in there at the present time.

Q. Are they in there all the time?

A. No, in and out, they are, but they do file their material in there.

Q. And they use the desk, also?

A. They use the desk, yes.

Q. And you say this is an enclosed office?

A. Yes, sir.

Q. Do you have a secretary or stenographer?

604 A. No, I have a clerk. She doesn't fit into the category of secretary or stenographer.

Q. A clerk?

A. Yes.

Q. What are his duties—is it a male or female?

A. A female.

Q. What does this woman do?

A. She makes out the time exception reports, checks the numbers in the clock alley, makes out these various forms exhibited here, subject to my signature, of course.

Q. Does she work for anyone else besides yourself?

A. That is all, just me.



*Testimony of Prosper Traen*

Q. And she takes care of the work which relates to the seventy employees in the department, is that right.

A. Yes.

Q. When you have any typing to do, does she do it?

A. No, sir.

Q. Who does it?

A. The divisional secretary or clerk or whatever they call her down there, she is the one that does the typing for us.

Q. Who is her immediate superior?

A. The assistant division manager.

Q. So, if you have any typing to be done she does it?

A. Yes.

Q. That is this clerk that works for you is the one  
605 that takes care of the recording and clerical job of filing and that sort of thing?

A. In the office, yes.

Q. And she does the work in your office?

A. Yes.

Q. And the divisional secretary works in another office?

A. Yes, in the division office.

Q. Who are the immediate superiors or leaders in your department?

A. The assistant foremen.

Q. In your absence can queries be made out by your clerk?

A. She can make them, yes, but not my clerk, the division clerk makes them.

Q. If you were not there and there was a necessity to make a query with respect to an employee would the division clerk make them out?

Mr. Donovan: Just a minute Mr. Examiner, this is not exactly an objection, but there has been an indiscriminate use of the words "query," "request" and "recommendation." It seems to me, I would like to know at this point which one of those counsel has in mind. I am assuming it is "recommendation," I am not sure.

Mr. Karasick: I am speaking so that the witness may understand and counsel may, of the form that I  
606 thought you said was a query. The form used to recommend certain actions with respect to employees.

*Testimony of Prosper Traen*

Mr. Donovan: You are making no distinction—

Mr. Karasick (Interposing): It may be discipline—

Mr. Donovan (Interposing): You are making no distinction between a query, a request and a recommendation?

Mr. Karasick: I took it from the witness' testimony. A query was a form the foremen had to make out, a query is something the foreman makes out which initiates certain action with respect to an employee.

Mr. Donovan: Then it might or might not be a recommendation.

Mr. Karasick: I am talking about the form itself, what it may contain, I suppose it may contain a number of things.

Mr. Donovan: You are talking about the actual paper that is used?

Mr. Karasick: The actual paper, yes—the contents of the paper might be a great number of things.

Q. (By Mr. Karasick): Witness, do you understand what I mean by a query?

A. Yes.

Q. Is it your understanding that by "query" I mean a form which initiates some action generally taken by a foreman with respect to a particular employee?

607 A. Yes, sir.

Q. What I would like to know is, if you are absent from the department and some disciplinary or other action is necessary with respect to a particular employee in the department, would the division clerk make out the query?

A. Yes, sir.

Q. She would make it out, even in your absence?

A. Yes, sir.

Q. It would—

A. (Interposing): It would need the approval of the assistant division manager before becoming effective.

Trial Examiner Jaffee: Would it need that approval even if you were present and you made it out?

The Witness: Yes, sir.

Q. (By Mr. Karasick): In that instance though the query form would not contain your signature but would

*Testimony of Prosper Traen*

contain the signature of the assistant division manager, is that right?

A. Yes.

Q. And then it would go through the formal procedure?

A. Yes, sir.

Q. You say that you did not attend all of the classes of the foremen's school and that you missed some of them?

A. Yes.

Q. Is it compulsory for you to make up the classes or attend all of them?

A. The division manager makes it emphatically understood that he intends for you to be there.

Q. They want you to be there?

A. Yes.

Q. And if you miss a class, for example, does he follow up to see that you go there or do you feel it is necessary for you to go and make up the class?

A. If you miss the class generally he will ask you why you missed that particular class and then he will tell us not to miss the next one.

Q. If you initiate a query which recommends the discharge of an employee in your department and no appeal is taken and the employee is removed from your roll in the department, what happens to him then, does he go back to the employment division, the Labor Relations Division, or what division does he go to?

A. If he is removed as per the query, the employment department takes care of him. From there on I don't know what happens to him, although I have seen in some cases, where employees might have been removed from my department, but later placed in other departments.

Q. You mean that you would recommend discharge as to an employee from your department, and he would be taken out of your department and would be placed by the employment department, you say?

A. By the employment department.

Q. By the employment department, in another department of the plant?

A. Yes.

Q. Had you anything to say about that?

*Testimony of Prosper Traen*

A. No, I have no jurisdiction as far as the employment department goes. They do as they wish.

Q. You are the acting head of your department, is that it?

A. Yes.

Q. Who is the acting head during your absence?

A. The assistant foreman.

Q. The assistant foreman?

A. Yes.

Trial Examiner Jaffee: Which one?

The Witness: I only have one at this time, your Honor.

Trial Examiner Jaffee: Just one.

Q. (By Mr. Karasick): Now, I am not sure that I understood this part of your testimony, and I wish you would straighten me out on it, if you will. My impression was that you testified that when the plant guards reported violation of rules, it is necessary for you to discipline an employee or to take action according to  
610 the rules and regulations; is that correct or incorrect?

A. That is right.

Q. Now, when discipline is necessary, you follow the rules and regulations which have been introduced in evidence as Petitioner's Exhibit 24, is that right?

A. Yes, if the violation is on there, that is the one we follow.

Mr. Donovan: I submit that the witness' testimony was that only in the cases where there was a set, fixed penalty for some common infraction, such as gambling. That does not appear to be the case, by any means, with all infractions of the rules, some of which were serious or would call for discharge or some other disciplinary action.

Q. (By Mr. Karasick): Is that right, Mr. Witness, or not?

A. No, that is not right.

Q. Would you straighten us out, then, because we are all interested in just finding out what the facts are?

A. In the case of a discharge for any other reason, then if the discharge is asked for or recommended, it is never settled until it gets into the Labor Relations office, and

*Testimony of Prosper Traen*

they settle the situation for us and they decide whether the recommendation is right or wrong.

Q. I think you are getting just a little away from  
611 the thing that I am trying to get clear in my mind here, and that is this: Is there any distinction between your discretion in disciplining an employee when a violation occurs that you find out about yourself, or when a violation occurs which is reported to you by a plant guard, say?

A. If a violation occurs that I find out myself, I use the same penalty that is recommended on the form.

Q. That is assuming it is one of these violations which is on the form?

A. It is one of those, yes.

Q. That is Petitioner's Exhibit 24. Who issued this Petitioner's Exhibit 24? Was it the Company?

A. Yes.

Q. Did the foremen help in setting up these particular violations as being the most common in the form of penalties to be set up under them? That is, were you consulted as a foreman in this?

A. Oh, no.

Q. This was given to you by the Company, is that right?

A. Yes.

Q. And by "this" I mean Petitioner's Exhibit 24.

I have no further questions.

**Redirect Examination.**

Q. (By Mr. Nelson): I have a couple of questions, if  
612 I may at this time, Mr. Examiner: Mr. Traen, referring now to some of the questions asked you by Mr. Karasick, let me ask you whether the number of persons supervised by a foreman necessarily determines his rank or pay or his importance, or whether it is rather the importance of the operation, the difficulty of the operation, which fixes his rank and pay?

Trial Examiner Jaffee: Or a combination of both?

Q. Or a combination of the two?

A. That is it.

Trial Examiner Jaffee: Which?

The Witness: It is the importance of the job, and not

*Testimony of Prosper Traen*

so much the amount of people, because I know that the amount of people a foreman supervises, varies quite a bit.

Q. It is important from the human side, according to the number of people that he supervises, but so far as the plant is concerned and his rank and pay, do you have also to take into consideration the importance and difficulty of the operation he supervises?

A. Yes, sir.

Q. Now, about Mr. William Hunt: Do you mind if I correct your testimony and suggest that he was secretary-treasurer of the previous organization, and not president?

A. Well, I knew that he was one of the officers, but—

Mr. Nelson: We are asking a subpoena for Mr. 613 Hunt, Mr. Examiner, because he is available and none of the other officers are.

Trial Examiner Jaffee: What do you mean when you say you are asking?

Mr. Nelson: I understand that we have to ask you for a subpoena.

Trial Examiner Jaffee: The rules also provide for making an application.

Mr. Nelson: May I make it in this form? I desire to subpoena Mr. William Hunt.

Trial Examiner Jaffee: I suggest that you look at the rules and regulations, and follow the form indicated.

Mr. Nelson: Very well. That is all.

**Recross-Examination.**

By Mr. Donovan:

Q. You do not remember the name of this 1937 group that you say were organizing or attempting to organize the foremen of the Packard plant, Mr. Traen?

A. No, I do not.

Q. Did you ever hear it?

A. No. If I did, if I had heard it, I would surely remember it. I don't remember it.

Q. Did you ever see one of their application cards?

A. No, I didn't see the application card.

Q. Did any of the other foremen, within your 614 knowledge, see any of the application cards, or join?

A. Yes.



*Testimony of Prosper Traen*

Q. How many?

A. Well, it was my understanding

Q. That you know of?

A. It was my understanding when I was approached to join, that there was somewhere in the neighborhood of 200 already in.

Q. Well, that is what someone told you. You don't know how many actually had applied for and became members of this group, do you?

A. That is what you asked me. You asked me, do I know?

Q. That is right, of your own knowledge, I am asking you now; you don't know how many members they had, do you?

A. Of my own knowledge, no.

Q. You don't know what percentage of the total number of Packard foremen was involved, then, do you?

A. No, sir.

Q. Was this a CIO Union?

A. I believe it was.

Q. A CIO Union?

A. I think it was, yes.

Mr. Donovan: All right, that is all.

**Recross-Examination.**

615 Q. (By Mr. Dahling): Mr. Traen, I believe you testified that you followed the rules and regulations in connection with disciplinary matters. Those rules and regulations I believe you referred to as being Exhibit 24, which was issued, a reissue of December 19, 1944, is that correct?

A. We follow the rules as near as we can on those sheets.

Q. Now, when did you first receive rules of that character, if you remember?

A. Rules of this character were received some time before this issue.

Q. And can you say how long?

Trial Examiner Jaffee: Before this what?

The Witness: Before this issue.

*Testimony of Prosper Traen*

Trial Examiner Jaffee: Before this issue? Oh, before that particular exhibit?

The Witness: Yes.

Q. (By Mr. Dahling): Do you recall how long before the issuance of Exhibit 24 you first received rules of that character in printed form?

A. I think it was about three months, two or three months, that we received something similar to this, but with the exception that it ~~was~~ not signed by the Labor Relations Committee and Union Plant Committee.

Trial Examiner Jaffee: When you say two or three months, you mean two or three months before the  
616 date on that particular paper?

The Witness: Yes, sir.

Q. Prior to that did you have any written rules that you followed, such as appear on Exhibit 24?

A. The ones that I just spoke about.

Q. Prior to those, did you have any printed rules that you followed?

A. No, we didn't have any printed rules.

Q. What did you do, then, prior to three months before December 14, 1944, in case of disciplines?

A. In case of any discipline prior to those rules, it was always discussed with our assistant division manager as to what we had put on his particular query.

Q. And then you would make a recommendation, would you, to him?

A. He would make the recommendation to us.

Q. Now, what about offenses, insubordination or offenses that are not covered by these rules? What do you do in that case?

A. At the present time?

Q. Yes.

A. We still discuss them with our assistant division manager.

Q. Now, I believe this morning you testified with respect to Company's Exhibit 3, and I will show you  
617 that exhibit. Now, as I recall your testimony, you said that if you issued this query, this Exhibit 3, and it was approved by the steward and no hearing was

*Testimony of Prosper Traen*

requested by the Union, that it automatically went through as a discharge. Do you recall that testimony this morning?

A. Yes.

Q. Is that still your testimony?

A. It still goes in effect, the same as before—

Q. Automatically?

A. (Continuing): —if the steward agrees, the clearance goes through.

Q. And your action in writing that query in which you state that the man is discharged, means that the man is discharged unless the steward objects or he goes higher up into the Union line of appeal, is that not correct?

A. Yes, the request for the man to be cleared from the roll is carried on through the employment department.

Mr. Dahling: That is all.

Trial Examiner Jaffee: Are there any further questions?

Mr. Karasick: No further questions.

Mr. Nelson: Nothing further.

Trial Examiner Jaffee: Mr. Traen, have you any discretion as general foreman beyond your authority as general foreman?

618 A. No, sir.

Q. Have you any knowledge of this earlier organization of foremen, other than what somebody told you about it?

A. The only knowledge I have is being approached by an individual to enter into the organization.

Q. Is it or is it not true that such knowledge or information as you have is based upon what this individual told you?

A. Yes.

Q. And is it or is it not true that that is all you know about it?

A. That is all I know about it.

Q. Do you or do you not consider that your membership in the Foreman's Association of America, in your opinion, would permit you to disobey a lawful order of management, given by management to you as general foreman, within the scope of your authority as general foreman?

*Testimony of Prosper Traen*

A. They would not permit it.

Q. Would you or would you not feel that you should obey such an order?

A. I should obey it, yes.

Q. What authority do you have as general foreman which your assistant foreman does not have, if any?

A. The first step in the grievance machinery is generally handled, in my case anyway, by myself. Very  
619 few minor grievances are handled by the assistant foreman; the steward or the representative of the rank and file as a general rule, comes to me. That is one of the authorities that is vested in me, in my case.

Q. Does the assistant foreman participate in any way in any query that you send on, or any recommendation you make, concerning an employee in your department?

A. He discusses the contents, or the proposed query, before I recommend it.

Q. And does he upon occasion make recommendations to you before you in turn pass on your recommendations?

A. He never recommends. He just discusses the case in question.

Q. Well, what I mean is, I do not mean a formal recommendation, but does he ever say to you in substance, "I think we ought to do thus and so"?

A. Oh, yes.

Q. And you then make up your own mind from your knowledge or information, and pass on your recommendation?

A. Yes, sir.

Q. And you give, if I assume correctly, you give such weight to what the assistant foreman says as you think his statement is entitled to?

A. That is right, yes, sir.

620 Trial Examiner Jaffee: Are there any further questions of this witness?

Mr. Donovan: I have one.

*Testimony of Prosper Traen*

**Recross-Examination.**

Q. (By Mr. Donovan): You said a moment ago, in answer to a question from the Trial Examiner, that you would obey management's order in a situation that he put to you?

A. Within my scope of authority, yes.

Q. And you went out on strike with the other foremen in May, 1944, didn't you?

A. Yes.

Q. Did management order that? Was that a management order?

A. No, sir.

Q. Did management want you to go out on a strike?

Mr. Nelson: I will object to that. I do not know how he would know.

Mr. Donovan: Don't you want him to answer that question?

Mr. Nelson: No, I don't think he has any way of knowing. Sometimes management precipitates strikes.

Mr. Donovan: Well, let's find out.

Mr. Nelson: And I suspect they did,—

Mr. Donovan: Let's find out.

Mr. Nelson: I am sure they did in this case.

621 Q. (By Mr. Donovan): As a matter of fact, management definitely did not want you to strike in May, 1944, isn't that true?

Mr. Nelson: Object to that, he doesn't know.

Trial Examiner Jaffee: I think the form of the question is objectionable.

• Mr. Donovan: Am I not entitled to find out whether this man will or will not admit that it was management's wish that he go out on strike, and that he went out in obedience to that, after his testimony a minute ago?

Mr. Nelson: I object to that question. They cannot treat men the way that they treat these men, and expect them to take it.

Mr. Donovan: I move to strike that from the record.

Trial Examiner Jaffee: All right, it is stricken, but I suggest that your question is conclusionary.

*Testimony of Prosper Traen*

Mr. Donovan: I will ask another one:

Q. (By Mr. Donovan): Did management ask you to strike?

Mr. Nelson: I object to that.

Trial Examiner Jaffee: You may answer.

A. No, they didn't ask me to strike.

Q. (By Mr. Donovan): Did they order you to strike?

Mr. Nelson: I object to that.

Trial Examiner Jaffee: He may answer.

A. They didn't order me to.

622 Q. (By Mr. Donovan): Do you know any foremen that they instructed or ordered to strike in May of 1944?

A. I don't know what they may have told other foremen.

Q. Well, do you know of any one foreman that they gave such an order or instruction to, Mr. Traen? You know what I mean when I ask you that question, don't you? Do you know of a single foreman that they gave such an order or instruction to?

A. I don't know of any.

Q. No, of course, you don't.

Mr. Donovan: That is all.

Trial Examiner Jaffee: Are there any further questions of the witness?

Mr. Nelson: No further questions.

Trial Examiner Jaffee: The witness is excused.

Mr. Nelson: Oh, by the way, you did not disapprove of the objects of the strike, did you?

A. No, sir.

Q. It was a question of policy with you, wasn't it?

A. Yes.

**Recross-Examination.**

Q. (By Mr. Donovan): The objects of the strike included the closing of one or more plants if it was possible to close them by that strike, didn't they? Isn't that true?

623 A. Did you say the closing of one or more?

Q. That is right.

A. I was only interested in one.



*Testimony of Prosper Traen*

Q. That is the only one you tried to close?

A. Definitely.

Q. And you did close it, didn't you?

A. Yes.

Q. And that was a union objective, wasn't it?

A. The Union objective was to gain some of the things which were rightfully ours.

Mr. Donovan: All right, that is all.

**Redirect Examination.**

Q. (By Mr. Nelson): It was the Company that closed the plant, wasn't it?

A. Yes.

Mr. Donovan: I submit that is argumentative. If Mr. Nelson wants to try to argue that and get some judge or tribunal to decide it at the proper time,—

Trial Examiner Jaffee: Let us not get into a meta-physical discussion.

Q. (By Mr. Nelson): When you left the plant it was wide open, and operating, wasn't it?

A. Yes, it was.

Q. And it did not shut down until the Company sought to shut it down, did it?

624 A. That is right.

Mr. Nelson: That is all.

Trial Examiner Jaffee: The witness is excused.

(Witness excused.)

Off the record.

(Discussion off the record.)

Trial Examiner Jaffee: On the record. We will adjourn at this time until 9:30 A. M. tomorrow morning.

(Whereupon at 4:30 o'clock P. M., Thursday, December 21, 1944, the hearing was adjourned until tomorrow, Friday, December 22, 1944, at 9:30 o'clock A. M.)

*Testimony of Thomas Dwyer*

625

Room 737 Federal Building,  
Detroit, Michigan,  
Friday, December 22, 1944.

Pursuant to adjournment, the above-entitled matter came on for hearing at 9:30 A. M.

Before:

Samuel H. Jaffee, Trial Examiner.

627.

**PROCEEDINGS.**

Trial Examiner Jaffee: Gentlemen, will you come to order, please? Are you ready with the next witness?

Mr. Nelson: I call Mr. Thomas Dwyer.

**THOMAS DWYER,**

a witness called by and on behalf of the Petitioner, being first duly sworn, was examined and testified as follows:

**Direct Examination.**

Q. (By Mr. Nelson): Your name?

A. Thomas Dwyer.

Q. Your residence?

A. Detroit.

Q. The street?

A. 18501 San Juan Drive.

Q. Where are you employed?

A. Packard Motor Car Company.

Q. How long have you been employed there?

A. I have been with the Company thirty-eight years.

Q. What did you do when you first went to Packard?

A. Electrical work, and I am still on it.

Q. Were you a journeyman at that time or an apprentice?

A. Well, I would say an electrician.

Q. Were you at that time a member of any labor organization?

628 A. No.

Q. Just what was your work as an electrician, was it with respect to building or cars?

*Testimony of Thomas Dwyer*

A. That had to do with car wiring and at the present time it is Marine motors.

Q. How many years did you work as a maintenance or production worker?

A. Oh, I would say approximately twelve years.

Q. Then what happened?

A. Then I was made a foreman.

Q. A foreman over what line of work?

A. Well, it was electrical, all the assemblies, the making up of the panels and so forth, shooting trouble, batteries and repairing and so on.

Q. It had to do with the electrical wiring and service of cars?

A. It is tied in with all of that.

Q. As a foreman what grade of foreman were you at first?

A. I was an assistant foreman.

Q. And that is the foreman who is next to the workmen?

A. Yes.

Q. It is the lowest rank of foreman?

A. At that time, yes.

Q. How many men did you have under your direction?

629 A. I would say at one time I had approximately 500 men.

Q. Did you serve as a foreman for some period of time and then have a raise in rank or did you remain at what we call an assistant foreman all the time?

A. No, I was an assistant foreman and then raised to foreman.

Q. How long were you an assistant foreman, approximately?

A. I would say approximately six years.

Q. And then you became what we call a foreman now, a grade above that?

A. Yes.

Q. Did you finally attain a rank of general foreman?

A. At no time was I given that recognition.

Q. Did you perform the duties of general foreman?

A. If I had more than one department or two departments that should be recognized as a general foreman.

*Testimony of Thomas Dwyer*

Mr. Donovan: Mr. Examiner, I will object to the last question and ask that it be stricken because a question involving the use of the word "duties" was undefined, and I think if counsel wishes to develop any particular things that the witness did, either as assistant foreman or foreman or general foreman, that would be proper, but I certainly do not think an answer embracing  
630 the breadth of that question should be permissible. That is one of the issues of the case.

Mr. Nelson: I would like the answer to remain until I have had an opportunity to inquire further of the witness. I frankly did not anticipate the answer I received.

Trial Examiner Jaffee: I think a further basis should be shown before the answer be permitted to remain.

Mr. Nelson: I ask that it not be stricken for the time being, as I intend to inquire further and properly qualify the answer.

Trial Examiner Jaffee: All right.

Q. (By Mr. Nelson): Mr. Dwyer, what was the characteristics of a general foreman's position and responsibilities?

A: Well,—

Mr. Donovan: Just a minute, I will object to that question, as to what was the characteristics—it does not convey anything and it allows the witness a rather broad scope in answering. It should be more direct and specific.

Q. (By Mr. Nelson): All right. Did a general foreman have responsibilities for and jurisdiction over more than one division?

A. May I correct you, Mr. Nelson?

631 Q. Yes, that is exactly what I want you to do, I want the facts.

A. Well, the general foreman has to do with departments, not divisions.

Q. And departments are what?

A. Departments are or can be anything that has ten or twelve men, machine operations or what-not.

Q. And the general foreman's authorities and duties had to do with more than one department, is that right?

A. That is right.

*Testimony of Thomas Dwyer*

Q. When a foreman had to do with more than one department was he generally classified as a general foreman?

A. In some cases I understand, yes.

Q. In your case what?

A. No.

Q. What departments did you have jurisdiction over?

A. I had the F. E.

Q. What is that?

A. The F. E. was the electrical assembly. It had to do with all the electrical parts of the car and it had to do with batteries, radios and what-not, that came along in that particular cycle.

Q. Any other departments?

A. N. A. Department.

Mr. Dahling: May we have the dates, please?

632 Q. (By Mr. Nelson): Will you fix the dates, if you can? He did it in a way.

A. I cannot fix the dates.

Q. The years, perhaps? What are the years?

A. I just cannot do that but it is in the Packard Motor records. In other words, the only thing I can say is that the cycle I have been I would say was from 1905 up to the present time.

Q. Now, where in that cycle does the period of foremanship begin?

A. I would say approximately six years—well, now, just let me think this thing over.

Q. You refresh your recollection and tell us to your best recollection when your foremanship began at Packards.

A. I would say approximately twelve years after.

Q. Well, that would be about 1917, if you started in 1905?

A. I started in 1905.

Q. That is approximately correct?

A. That is approximately correct.

Q. And that is your recollection?

A. Yes, sir.

Q. Then you became a foreman of the lowest rank?

A. Yes.

*Testimony of Thomas Dwyer*

**633** Q. And about how many years after that were you promoted to the foremanship of the next higher rank?

A. I would say approximately fifteen years after I started, that I became a foreman.

Q. I do not quite understand that answer in view of the other answers. Was it twelve or fifteen years you worked as a workman before you became a foreman?

A. Will you give me that again?

Trial Examiner Jaffee: That question confuses it still further. As I understand the testimony so far, he started approximately in 1905, he was an assistant foreman for twelve years.

Mr. Nelson: No, he was a worker.

Trial Examiner Jaffee: I mean, assistant foreman after twelve years, and I understood he had the job of assistant foreman for approximately six years, then became a foreman. Now, his last testimony changes the latter period in effect, from six to three years, because he says he became a foreman fifteen years after he started.

Q. (By Mr. Nelson): Well, will you tell us now. You started to work in 1905, you worked as a worker for how many years?

A. I would say approximately six years.

Q. All right, that would be 1911?

**634** A. Yes.

Q. Then what happened?

A. Then I was made an assistant foreman.

Q. For how long did you remain an assistant foreman?

A. I would say approximately six and one-half years.

Q. That would be 1917 or 1918?

A. In through there, yes.

Q. And then you passed to what grade of foreman?

A. To a foreman.

Q. Still in the electrical line?

A. That's correct. I may have had two or three departments, but I was still in the electrical set-up.

Q. Two or three departments within the electrical set-up?

A. Yes, some of the departments had nothing to do with the electrical, but nevertheless, they were departments assigned to me.



*Testimony of Thomas Dwyer*

Q. Then was there a change in your rank, or did you continue as foreman?

A. I continued as a foreman.

Q. Notwithstanding that you had a number of departments?

A. That is correct.

Mr. Donovan: Well, he said two or three?

Mr. Nelson: Yes, two or three departments.

Q. (By Mr. Nelson): That was more than one department, was it not?

635 A. That's correct.

Q. Did you continue as a foreman up until a recent date?

A. Up until 1939.

Q. Could you remember the month?

A. Well, I would say November or December of 1939.

Q. Prior to November or December of 1939, did you become interested in and become a member of a foreman's organization?

A. That is correct.

Q. Do you recall the name of the organization?

A. Yes, I have my receipt right here. The United Foreman's and Supervisor's Union, No. 918.

Q. Does it indicate an affiliation?

A. It indicates an affiliation with the CIO.

Mr. Dahling: Mr. Examiner, I object to this line of testimony on the ground that it apparently relates to something that transpired back in 1939. It is incompetent and irrelevant as far as this particular petition is concerned. We are here dealing with a petition that was filed in 1944 in connection with a representation case. I do not see how this testimony has any bearing on the situation.

Trial Examiner Jaffee: Do you not think the early attempts of the foremen to organize are relevant here?

636 Mr. Dahling: I do not, even though Exhibit No. 3 contained that information.

Trial Examiner Jaffee: Yes, I agree with that, but the objection is overruled.

Mr. Dahling: May I have a continuing objection to this line of testimony?

*Testimony of Thomas Dwjer*

Trial Examiner Jaffee: Very well.

Mr. Nelson: I will ask the reporter to mark this receipt as an exhibit.

(The document above referred to was marked as Petitioner's Exhibit No. 29 for identification.)

Mr. Nelson: I offer the exhibit now for examination, and I offer it in evidence also.

Mr. Dahling: Mr. Examiner, the admission into evidence of this exhibit is objected to for the reason stated in the objection to this line of testimony.

Mr. Karasick: Mr. Examiner, I have no objection to the exhibit, as such, beyond the fact that I do not quite see what it adds to the record. It merely, perhaps, establishes the name of the Union, which has already been testified to by the witness.

Mr. Nelson: I desire this in evidence because I have another document to follow it and I expect to make a complete showing that does affect this case and does fix the attitude of the Packard Company towards  
637 foremen organizing. I expect to show the lengths to which they would go in opposing it.

Mr. Dahling: May we have the last statement of counsel again, please?

Mr. Nelson: I expect to show the lengths to which the Packard Company would go in opposing the foremen organizing.

Mr. Dahling: Mr. Examiner, I believe it has been stated in the record that the Company has very definitely taken the position that it would be contrary to the best interests of the Company, and, furthermore, contrary to public policy and public interest to have these supervisors and representatives of management be considered as a unit for collective bargaining under the law. Now, when we say we are opposed to it, why, of course, we are opposed to it. I do not see that this testimony is necessary, in view of that position of the employer.

Mr. Nelson: Well, it involves another public interest, too.

Trial Examiner Jaffee: At any rate, the only thing before me now is the objection to Petitioner's Exhibit No. 29. It is received in evidence.

*Testimony of Thomas Dwyer*

(The document heretofore marked Petitioner's Exhibit No. 29 for identification was received in evidence.)

638 Q. (By Mr. Nelson): Did you attend the meetings of Local 918?

A. No, I was working at nights.

Q. And you could not get away?

A. That's right.

Q. You continued your membership, however, for some time?

A. Until it disbanded.

Q. How long after you became a member did it disband?

A. Well, I have forgotten the record, that is, I don't know where that is now, that is, from the time I joined until it disbanded.

Q. Was it any great length of time?

A. No, it wasn't.

Q. Was it a number of months or a number of years?

A. Well, I would say approximately a few years.

Trial Examiner Jaffee: A few years after he joined it or a few years after it started, or what?

Q. (By Mr. Nelson): I take it, you mean a few years after you joined it, is that correct?

A. Yes.

Q. Was this Local 918 limited to Packard foremen?

A. I don't know whether that was limited to foremen or not, but nevertheless, I joined it as a foreman.

639 Q. The actual working of the Local, you were not very familiar with because you did not attend the meetings?

A. Yes.

Trial Examiner Jaffee: Was it limited to Packard employees or whatever class of employees were eligible?

The Witness: That I don't know.

Q. (By Mr. Nelson): Until it disbanded you remained a member?

A. That is correct.

Q. And you were at that time a foreman?

A. That is right.

Q. Of the Packard Motor Car Company?

A. That is right.

*Testimony of Thomas Dwyer*

Q. Now, shortly after you joined this organization was there a change in your status?

A. Well, after I joined this organization—I would say approximately one month—I was called in the office and they told me that I would have to take a cut. I was working nights. I told them well, I didn't care to take a cut and would they send me to the Employment Department.

Mr. Donovan: Mr. Trial Examiner, I have an objection to the question and the answer which was given. The obvious purpose is to put on the record material which will give rise or hope for a rise as to an unfavorable inference against the Packard Motor Car Company

640 in this case for doing something, to-wit, not agreeing or encouraging a foreman's organization and not agreeing to bargain collectively with the Foreman's Association of America, when it is well known that it is not wrong in any concern and that it is a law as pronounced by the National Labor Relations Board—because of that fact I think the question is improper and there is danger of an unfavorable inference in the minds of one or more tribunals that may read the record. I do not think the question is proper and this line of questioning is improper. I object to it and ask the question and answer be stricken.

Trial Examiner Jaffee: The mere fact that an unfavorable inference is or is not created for a certain question and answer is not important. I do not care whether the inference is favorable or unfavorable, I want to know whether the inference is proper or not. You speak of what the law was. As I understood it, the gentleman was speaking about a situation apparently which occurred a month after he joined in November or December, 1939, and, therefore, a month after that time, which would be about the first of 1940 or somewhere in there. At that time the Maryland Drydock decision had not come down and the law as of that time was, therefore, a law presumably of earlier cases. One of the early cases

641 was the Union Collier case, which, although it was still after the time when the witness was apparently called into the Packard office, it was still before the Maryland Drydock case. I am rather troubled about another

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aspect of the question. I would like to inquire of Mr. Nelson how these immediate details are pertinent to the issues here.

Mr. Nelson: I would like to briefly show the history of this organization as being the only predecessor we know of of the Foreman's Association of America, in a factory plant of supervisors forces, being as these things go, immediately preceding. I would like to show the experience of this particular person who is also a member of the Foreman's Association of America and who was one of the men who helped organize it.

Trial Examiner Jaffee: I know it is a question of degree, it seems to me, that you have to begin with. Mr. Dahling indicated a concession of the Company, that it was opposed to it to a certain degree. How much more than that do you think you need?

Mr. Nelson: I think I need a good deal more. There has been a lot said about strikes around here and why these men struck and one thing and another, and presumably there is a knowledge of what occurred, and what they might expect if they joined an organization of their  
642 own. You see, these men apparently cannot be expected to be ignorant.

Trial Examiner Jaffee: At any rate, I think the answer should be excluded on the further ground, which nobody has raised, that the witness speaks about being called into an office and somebody telling him something. I do not know who that somebody is. Foundation should be laid and what that something was.

Mr. Dahling: Whether the man was called into the office and objected to taking a cut or not, is again immaterial. If the purpose of it is to show that this man had a grievance, and the testimony that has been put in to date would indicate that that is a part of the purpose, why, of course, it is totally irrelevant. We are not dealing with whether or not these foremen had grievances in this proceeding. It does not make any difference whether they have any present grievances or not.

Trial Examiner Jaffee: I know, I am assuming, and I may be wrong, that Mr. Nelson is going to get from the

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witness something to the effect that he was told why the cut was going to be put into effect.

Mr. Nelson: No, I do not expect to show that. I want to show what happened to this man immediately following his membership in a foreman's organization.

643 Trial Examiner Jaffee: From which I assume you are asking the finders of the fact to draw certain inferences?

Mr. Nelson: That is right, as connected with the issues in this case.

Mr. Donovan: Mr. Examiner, my objection was also based in part upon the frankly pronounced reason and basis of counsel who is examining the witness for this line of questions, which was as follows, and I think this is an exact quotation, he said, "I want this testimony in to show the lengths to which the Company will go in opposing the organization of foremen." Related to my prior objections is the fact that that has no semblance of wrong of any kind by the employer. I said that whether it is wrong or not wrong and represents any improper conduct by the employer is tested by the state of the law as it is today and not as of any prior period, either before or after the Union Collier case or any other case. That is not a wrong and cannot be considered such in this case because of the direct holding of the governmental bureau, the National Labor Relations Board in charge of matters of this kind, that foremen are inappropriate for collective bargaining. So long as that holding is a law I do not think any unfavorable inferences should be piled in the record against the employer, for declining to encourage collective bargaining for supervision. That is the  
644 basis of the whole line of questioning announced by Mr. Nelson himself and that is what I am objecting to.

Trial Examiner Jaffee: There is a broader basis for admission connected with what Mr. Nelson said. The past history and attempts to organize a foreman's organization is relevant here and if those attempts were made in the face of opposition by the Company, I think that is part of the picture itself. Of course, there is the question of



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degree. It is hard to determine that in advance. He may answer.

Q. (By Mr. Nelson): You say that they told you something—where were you when you had this talk about the cut?

A. In Mr. Miller's office.

Q. Who was Mr. Miller?

A. Mr. Miller was my boss, now his title—

Q. I beg your pardon?

A. I don't know his title.

Q. How long had he been what you call your boss or the person giving you directions?

A. Oh, I would say approximately a year and a half.

Q. And you had been taking your directions from Mr. Miller for a year and a half?

A. That is right.

Q. Did you remain a foreman?

645 A. After I told Mr. Miller that I would take a chance in the employment department and gamble with another job I was no foreman.

Mr. Dahling: I did not get the answer.

Trial Examiner Jaffee: I got it but I did not understand it. Will you read the answer, please.

(Answer read.)

Q. (By Mr. Nelson): Have you ever been a foreman in the Packard plant from that time to this?

A. No.

Q. Can you fix the date and year of that occurrence?

A. Well, no I cannot.

Q. I mean the month and year?

A. I would not be sure.

Q. Have you continued to be employed at the Packard Company?

A. That is correct.

Q. In what capacity?

A. I am still doing electrical work.

Q. You say you are still doing it, are you doing it in a supervisory capacity?

A. No, as a working man.

Q. And you remained there as a working man ever since?

*Testimony of Thomas Dwyer*

A. That is right.

Q. An hourly-rated employee?

646 Mr. Karasick: Mr. Nelson, I wonder if I could interrupt to suggest clarifying the witness' answer as to what he told Mr. Miller when he was told something in his office. I did not understand it and I am not sure the record will be clear.

Mr. Nelson: You mean you want that in greater detail? I am not concerned with that. If it ought to be more full I will be glad to do it.

Mr. Karasick: It was a mere suggestion.

Mr. Nelson: Thank you.

Q. (By Mr. Nelson): Mr. Dwyer, you worked yesterday, did you not?

A. That is right.

Q. What did you do yesterday?

A. I was working on panels, these panels which have to do with the different instruments, some are electrical and some are pressure instruments, but it all ties in with an electrical panel.

Q. What was your rate of pay?

A. \$1.26 per hour.

Q. Are you a member of the UAW-CIO?

A. That is right.

Q. The Packard Local?

A. That is right.

Q. And have been since what time?

647 A. Oh, I would say from 1940.

Q. Mr. Dwyer, at the time you went into Mr. Miller's office, was there any complaint of your work or efficiency or ability or conduct whatsoever?

A. Never.

Q. Had you ever had any complaint against you as a foreman?

A. I never had any complaint against me as a foreman.

Q. You were a foreman how many years?

A. Approximately twenty-five years.

Q. And what is your present age?

A. Fifty-six.

Q. And you are apparently in very good health?

*Testimony of Thomas Dwyer*

A. Well, I am up here.

Q. Now,—coming—

Trial Examiner Jaffee: I do not know whether that is non-sequitur or not.

The Witness: Well, I made it.

Mr. Karasick: Apparently it takes a strong individual to take the witness stand

Trial Examiner Jaffee: It takes an individual with fortitude to stay on it.

Mr. Nelson: I suppose the Examiner means physical fortitude.

Q. (By Mr. Nelson): Coming back to the conversation in Mr. Miller's office, had you had any previous conversation with Mr. Miller about the matter?

648 A. No, there was only a few words spoken. He told me—

Q. You tell us the best you can what those words were.

A. He told me, "We will have to put you down to \$200.00 a month."

649 Q. What was your pay?

A. Approximately 260.

Q. Then what did you say?

A. I said, "Well, I don't know why I should take that, I have been with the Company approximately 35 years, been doing night jobs for, I would say, five years," and I says, "and there certainly must be more than that in this whole setup with only a few words I have to take a cut." So I says, "No, I won't but I'll take a gamble on the employment department," which means I could go over there and possibly get an executive job, but I didn't get that. I had to spend approximately 45 days running, running in and running back, to see the employment manager, who was Mr. Weiss at the time, and then I joined the Forty-Plus Club. That Club, I don't know whether you are acquainted with it or not.

Q. No, I am not.

Mr. Dahling: Mr. Examiner, just what has the Forty Club got to do with this proceeding?

Mr. Nelson: That is the way he got his job.

Q. (By Mr. Nelson) Is that right, Mr. Dwyer?

A. Yes, I am going to lead up to that.

*Testimony of Thomas Dwyer*

Trial Examiner Jaffee: I know, but please do not pull the strings so far back.

650 Q. (By Mr. Nelson) Mr. Dwyer, are these the measures you took to get a job?

A. That's right; there was absolutely no jobs at Packard for me.

Q. So you took steps to get one and that included this Forty Plus Club?

A. Yes, and they contacted Packard for me.

Mr. Karasick: May I interrupt? If we are going to have it in the record, and I confess I do not know whether it is pertinent or not, I think we ought to have what happened to this man from the time he walked into Mr. Miller's Office. I think we ought to get that with clarity.

Mr. Nelson: I am consciously adopting the policy of letting this witness tell his story in his own way, as far as the Examiner will permit. I will bring him back to that, and I promise Mr. Karasick I will not overlook it.

Q. (By Mr. Nelson) Well, you finally got a job, is that right?

A. That's right.

Q. Now, come back to Mr. Miller's office. Have you told us all that was said at that time?

A. There was only a few words said.

Q. Yes, and you have told us that. Was anything else at all spoken?

A. Not a thing referring to me.

651 Q. All right, you went out and went to the employment office, apparently?

A. That's right.

Q. Then after some 45 days of efforts, including clubs, persons and personages, one thing and another, you got a job as a worker?

A. That's right.

Q. Do you remember how much pay you got, how much you got an hour when you went back?

A. No, I don't know offhand.

Q. You have never been a foreman at the Packard Company since?

A. No, sir.

*Testimony of Thomas Dwyer*

Q. Mr. Dwyer, do you happen to know what happened to the several hundred other foremen similarly situated to you at that time?

Mr. Dahling: Mr. Examiner, we have one foreman testifying here now. If we are going to bring in a hundred more—

Mr. Nelson: (Interposing) Maybe two or three hundred.

Mr. Dahling: If this is considered competent, then, of course, we would have to ask permission for time to investigate each one of these cases and to bring in testimony on behalf of the Company covering each one of these instances. I do not know whether it is your intention, Mr. Examiner, to develop the hearing along that line, but if this type of testimony goes in, we have no other recourse.

Trial Examiner Jaffee: The question is, do you know. Do you?

The Witness: May I have that question again, please?

Q. (By Mr. Nelson) Do you know whether—

Mr. Dahling: (Interposing) Might I interrupt? If he says he does know of a hundred others, then we will be forced to ask him the names of the parties and the circumstances, so that the record will not contain statements which can be refuted. We had the same experience when we were before the War Labor Board and it took several weeks or months to chase down all of these so-called grievances, so that the Company could prove to the Board that they were non-existent. We have the same situation here.

Trial Examiner Jaffee: Will you read the question, please?

(Question read.)

The Witness: I haven't any idea.

Trial Examiner Jaffee: May I observe, that is why I am generally inclined to permit an answer in such cases, because a question which asks, "Do you know" usually ends up with much to do about nothing about half the time.

Mr. Dahling: But the other half of the time, something might be thrown into the answer that would have to be refuted after great length.

Trial Examiner Jaffee: The mere answer stopping with "Yes" does no harm.

*Testimony of Thomas Dwyer*

Mr. Dahling: Perhaps my objection came a little premature, but you understand my point?

Trial Examiner Jaffee: Yes.

Mr. Nelson: There are several hundred witnesses that we can bring in to testify on the same point. Or, you can bring in the Company records and we will have them testify to the records.

Mr. Dahling: I move that that statement of counsel be stricken from the record.

Trial Examiner Jaffee: It is stricken.

Mr. Nelson: Will you mark this Petitioner's Exhibit No. 30?

(Thereupon, the document above referred to was marked for identification as Petitioner's Exhibit No. 30.)

Q. (By Mr. Nelson) Mr. Dwyer, I show you Petitioner's Exhibit No. 30, and ask you whether when this Local 918 disbanded you received a demit, just like this (indicating)?

A. That's right.

Q. It does not bear your name, but you received a form just like it?

A. That's right.

Mr. Nelson: I offer the demit in evidence and I offer  
654 it to counsel for examination.

Mr. Donovan: Are copies of this available for counsel?

Mr. Nelson: We will make it available and we will include the membership card with it.

Mr. Donovan: I take it that this exhibit, or these exhibits that come in on this line of questioning that Mr. Nelson is pursuing are under the continuing objection that counsel earlier registered?

Trial Examiner Jaffee: Yes.

Mr. Donovan: I do not like to keep doing that, but if this is received, then let the record show at this point that this is, on its face a transfer or clearance certificate from the CIO Union in question, or Mr. William Vallance, who sits behind counsel in the courtroom now, as the first vice-president of the Foreman's Association of America.

Mr. Nelson: Of the National organization.

Mr. Donovan: Who is the Petitioner in this case.

Mr. Nelson: That is correct.



*Testimony of Thomas Dwyer*

Trial Examiner Jaffee: If you gentlemen will hand me that paper, I will be able to rule.

Mr. Nelson: I have been passing it around, Mr. Examiner, I assumed they wanted to state their objections before you examined it.

655 Trial Examiner Jaffee: Mr. Nelson, what did you call this paper?

Mr. Nelson: It is a demit. D-e-m-i-t. On disbanding the Local, they were given this slip of paper to indicate that they had been paid up in full and that they were eligible for membership in another Local.

Mr. Donovan: Well, it is a clearance.

Mr. Nelson: Yes, it is a clearance from Local 918. We used to call them a demit in the coal mines.

Mr. Karasick: Well, what is it entitled on the face of it? It is a transfer of clearance certificate, is it not?

Mr. Nelson: Yes, a transfer of clearance certificate, but in short parlance among Union men, it is a demit.

Trial Examiner Jaffee: Mr. Dwyer, I show you Petitioner's Exhibit Number 30, for identification, and call your attention to the fact that on it it says that the individual named on the paper is paid in full, I assume for dues, and that the particular Union is involved in disbanding and then on a line above, the word "date" appears, then follows the word or initials "eff.", which I assume means effective February 1, 1940. Do you see that?

The Witness: Yes.

Trial Examiner Jaffee: As I understood your earlier testimony, did you say that you had joined that earlier Foreman's Association sometime around November or December of 1939?

656 The Witness: 1939.

Trial Examiner Jaffee: Did you also testify thereafter that it disbanded a few years after you joined it?

The Witness: That's as far as I know. Now, I don't know when I received my demit. I don't know whether they had to do with all individuals or not.

Trial Examiner Jaffee: Does this paper refresh your recollection as to when it disbanded?

The Witness: No, it does not.

*Testimony of Thomas Dwyer*

**Trial Examiner Jaffee:** All right, it is received in evidence.

(The document heretofore marked for identification as Petitioner's Exhibit No. 30, was received in evidence.)

**Mr. Nelson:** You may cross examine the witness. I ought to say to counsel and to the Examiner that I expect to offer a witness who has more knowledge of the organization itself than this witness, and I did not offer Mr. Dwyer on the history of the organization. I do not believe he knows much about it, but I have a witness whom I will offer on the history briefly.

**Cross-Examination,**

**657 Q.** (By Mr. Dahling) Mr. Dwyer, you testified that you became an assistant foreman and you fixed the date as 1911?

**A.** I fixed the date approximately.

**Q.** Yes, approximately 1911. You had under your supervision 500 men?

**A.** No, I didn't say that. I said during my cycle as a foreman.

**Q.** I do not quite understand your answer then. When you were assistant foreman, how many men did you have under your supervision?

**A.** Oh, I would say approximately 20.

**Q.** Approximately 20?

**A.** In that group.

**Q.** And did you have a superior over you in that particular department?

**A.** Yes.

**Q.** What would be the title of that superior?

**A.** Foreman.

**Q.** And did the foreman also have a superior in that particular department?

**A.** Not that I know of.

**Q.** There was no general foreman in that department?

**A.** Not in that department.

**Q.** You remained an assistant foreman up until 1917, approximately?

**658 A.** Approximately.

**Q.** And you say you had at that time two or three

*Testimony of Thomas Dwyer*

departments over which you were the supervisor or foreman?

A. Not while I was assistant foreman.

Q. No, I am sorry, you must have misunderstood my question. I will restate it. You were made a foreman, in approximately 1917?

A. Thereabouts.

Q. You testified then, that as a foreman you had two or three departments under your supervision?

A. That's correct.

Q. What departments were those?

A. They were the N. A. Department.

Q. What does that mean?

A. That meant the body department.

Q. The entire body department was under your supervision?

A. No, that particular setup that had to do with the N. A. Department. It was body assembling.

Q. And what was your particular function or the particular function of the men supervised by you in that department?

A. What do you mean?

Q. Well, what did they do? As foreman, you supervised someone, did you not?

A. That's right.

659 Q. You supervised some workers, did you not?

A. That's right.

Q. And what did those workers do in the N. A. Department?

A. The N. A. Department had to do with putting electrical panels into the body, and other small assemblies.

Q. When you say electrical panels, are those the panels that are in front of a car, in the dashboard?

A. It has to do with the lighting switches.

Q. And also, you say small assemblies?

A. Small assemblies.

Q. What did they do, was that further assemblies for lights?

A. Oil lines.

Q. Well, that has nothing to do with the N. A. Department?

*Testimony of Thomas Dwyer*

A. That has to do with the N. A. Department.

Q. All right, but did you have anything to do with the supervision over that?

A. Yes.

Q. Then your entire work was not electrical?

A. Then let us get out of the N. A. Department.

Q. No, let us stay in the N. A. Department. Did you say you had something to do with oil lines?

A. They are a part of the dash or instrument board assembly.

Q. Your work was limited to that part of the oil  
660 line? Board assembly?

A. That's right.

Q. Then, what other work did the workmen under your supervision do in the N. A. Department?

A. Well, attaching panels, attaching the oil lines, these different insulations that used to have to go in at that particular place, brackets, and so forth.

Q. Was that limited to the panel?

A. It was limited to the N. A. Department.

Q. I am asking you to limit your testimony, Witness, to the work done by the workers under your supervision in the N. A. Department. It is my understanding, of course, that there were more functions carried on by the N. A. Department than were performed by the workers under you. That is correct, is it not?

A. There was work performed there, different assemblies.

Q. And you only had supervision of the men working on one particular type of assembly, is that right?

A. On that particular body that came through that department. Now, there are several other little items that go in this thing. In order to complete this thing like I would have to, I would have to have an operation sheet with all those particular piece number on them.

Q. You performed your duties by supervising the carrying into effect of the steps set forth on this processing sheet?

661 A. That is correct; operation sheet.

Q. Operation sheet. And the men under your supervision, the workers under your supervision, did a part of those operations set forth on that operation sheet?

*Testimony of Thomas Dwyer*

A. What the department operations called for, that was what had to be done on the job.

Q. Yes, and other foremen and other workers performed other functions in accordance with this operation sheet?

A. That particular operation sheet had to do with me only.

Q. But there were other operation sheets for other workers and foremen in the N. A. Division, were there not?

A. Not in the N. A. Division.

Q. Not in the N. A. Division?

A. No.

Q. How many men did you have under your supervision in the N. A. Division?

A. I would say at one time 102 people.

Q. When you say they were under your division, you were then a foreman, you had no general foreman at that time over you?

A. Well, I don't know anything about what the titles were. I know there was an assistant foreman. Correction, please. There was an assistant superintendent and a superintendent.

662 Q. In this particular department?

A. No, over me.

Q. Over you?

A. Yes.

Q. Did you have any assistant foremen under you?

A. Yes.

Q. How many assistant foremen did you have under you?

A. I would say—he had no recognition, we called him a jobsetter or a leader or something like that.

Q. I am not asking you that. I am asking you whether you had any persons designated as assistant foremen under your supervision?

A. Not in the N. A. Department.

Q. Not in the N. A. Department?

A. No.

Q. The workers in the N. A. Department, doing this assembly job, did each one of them have a particular job to do and it would then pass on to another workman?

*Testimony of Thomas Dwyer*

A. The body would pass along, is that right?

Q. And these workmen had a repetitive job to do? They did the same operation on each car as it came through?

A. Several operations, as the time allowed.

Q. But they were supposed to do the same operations on each car as it went by and the same operation?

A. If the time allowed them to do it on each body  
663 as it went along.

Q. If the time did not allow them to do it, of course, that clogged the line?

A. If they had no time to do it there would be somebody else to help them out.

Q. The point I am making is that those were repetitive jobs, the same process was carried through on each car as it came through, by your workers?

A. Well, I wouldn't say that. It all depends on the time. If there were seven bodies that came through in one hour and then possibly two bodies came through the next hour all of those people could not work on the two bodies.

Q. But each one of your workers had a set job to do as these bodies came through and repeated that job as the bodies went down the line. If he had time he got through with it, if he didn't, somebody further down the line had to pick up that job?

A. After they were told what to do.

Q. And you were the one who instructed them what to do?

A. That is right.

Q. You say there were about 100 men in that department?

A. At one time.

Q. What other department did you have?

664 A. K. B. Department.

Q. K. B. Department?

A. Yes. The K. B. Department was the department that had to do with receiving outside bodies, that is not the Receiving Department. These bodies simply came into this department for stripping, which I would say was things that had to be taken off the body to prepare it for the production line, or any particular operation there that



*Testimony of Thomas Dwyer*

could be done that would avoid delays or something like that along the line.

Q. When you say the bodies came in from outside sources, you mean that they were not manufactured in the Packard Motor Car Company plant?

A. That is right.

Q. And that they might be purchased from a body company on the outside?

A. Yes.

Q. And they came into this division, you say, and you stripped them? What did you do?

A. They had to be made—there were different covers taken off of them and things like that.

Q. You mean paper covers and packing that was around them to protect them?

A. It could be.

Q. How many men did you have in that department?

665 A. I would say about one time maybe twelve.

Q. You had twelve men?

A. Approximately.

Q. And these twelve men just removed the outside packing and covering from these bodies that came in from the outside?

A. Yes, and there were other operations. Many of them, but I do not recall them now.

Q. What were the other operations?

A. One was when the body came in it had a celluloid—it happened to be a rubberized cover on the body in those days and not all steel covers at that time. It had a celluloid all around it to protect it when they were working on that particular part of the body to keep the top from getting damaged. They would have to cut that celluloid all the way around.

Q. Essentially, however, this department merely prepared the bodies that came in from the outside, by removing the celluloid covering so that it could be placed on the assembly line?

A. That is right.

Q. Of what other department did you have charge?

A. Of the F. E. Department.

*Testimony of Thomas Dwyer*

Q. What is the F. E. Department?

666 A. It had all to do with the electrical assembling installation, repairing, and so forth.

Q. How many workers did you have under your jurisdiction there?

A. I would say approximately at that time we had in the peak production that I am talking about—I would say around about 100 people.

Q. When you speak of peak production, will you fix the time when you had peak production?

A. No, I couldn't.

Q. Would you have peak production each year?

A. You would have peak production because if you establish a high record that is peak.

Q. Now, how long would that period of peak production last?

A. Well, that all depends on sales.

Q. Well, the more production the more men you needed in your department, I assume?

A. That is right.

Q. Will you give us an average? You say you had 100 men at the peak production. How many would you have at—well, let's call it low production?

A. Well, you can call low production one job. Now you can call it five or ten or fifteen or twenty or twenty-five and go up. I cannot give you any information like that. I wouldn't be in a position to estimate the approximate number of men I might need.

667 Q. You would not be in a position to estimate the approximate number of men you need?

A. I don't think I could because you plan your production according to the amount of jobs that you are going to have through that department and your help goes accordingly.

Q. I am not asking you to answer it if you cannot, Mr. Dwyer. The number of men would run from one to 100, depending on production?

A. Well, that's common sense.

Q. And that is your answer?

A. That is your answer.

*Testimony of Thomas Dwyer*

Q. What is your answer?

A. My answer is that I do not know. We don't know at that time and we didn't know from one month to another what our production really was.

Q. You say "at that time." What time is that?

A. I don't know. It is in the Packard record, if you want to go back that way.

Q. This was during the time when Packard was making automobiles?

A. That is correct.

Q. And that would cover what period of time? Will you give us a general period of time?

A. Between 1905, if you want the period of time, 668 and 1939.

Q. And you weren't a foreman in 1905?

A. No.

Q. And you weren't in charge of the F. E. Department in 1905?

A. No.

Q. Well, my questions concern the F. E. Department, Mr. Dwyer, and you became a foreman there in, you say, 1917?

A. We have already gone over that.

Q. I am asking you if that is right?

A. Approximately.

Q. So for the period of time you are referring to—1917 until what date in 1939?

A. A foreman?

Q. Yes.

A. In through that set-up.

Q. Did you have any assistant foremen in the F. E. Department?

A. In the F. E. Department we had one assistant.

Q. Was there a general foreman in that department?

A. No.

Q. Now, you didn't like the fact that you, Mr. Dwyer, that you remained a foreman for this period of time?

A. What do you mean I didn't like it?

Q. Well, didn't you resent the fact that you were 669 not made a general foreman?

A. No, no; I didn't.

*Testimony of Thomas Dwyer*

Q. And you were perfectly satisfied to remain on your job?

A. I wasn't satisfied but I didn't resent it.

Q. From the tenor of your testimony and the tone of your voice on direct examination you indicated to me that you held quite a bit of resentment because of the fact that you had not been promoted.

A. Well, if I was an employee of a company thirty-five years and I was called in that I was going to be given a cut—

Q. You didn't like that?

A. Just a minute. And then all this boss of mine said was, "There it is"—

Q. And that is—

A. Now, just a minute—

Q. Just a moment, you haven't answered my question—

Trial Examiner Jaffee: I think the witness is entitled to finish, in view of the way you asked the question.

Mr. Dahling: I am sorry if the question is confusing. I would like to restate it.

Trial Examiner Jaffee: I think the witness is entitled to complete his answer.

670 The Witness: I was called in after thirty-five years of continuous service and during that time, of course, you have got the record and the record is still at Packard. It was only a few words that were said and I had to take that cut or gamble with something else. My idea is that if I had something back of me, some security or something like that, why, that wouldn't happen. A man with a thirty-five year record is something to look forward to.

Mr. Dahling: I move, Mr. Examiner, that this witness' answer, if it is such, be stricken. It certainly is not responsive to any question that was asked.

Trial Examiner Jaffee: The answer may remain.

Q. (By Mr. Dahling): You felt that you had sufficient ability to be promoted to a general foremanship, didn't you?

A. I have still got that ability.

Q. So, when you were told that the Packard Company

*Testimony of Thomas Dwyer*

could not use you as a foreman any longer, you had an opportunity to go out and demonstrate that ability elsewhere?

A. They didn't tell me.

Q. But you did have the opportunity to go out, if you had the ability, and get a like job somewhere else, didn't you?

A. I can do that tomorrow.

Q. If you felt you were so unfairly dealt with, then  
671 why did you take a job at Packard's after you were told that they could not keep you as a foreman any longer?

A. Because if I got back to Packard I would have seniority, which I did not have when I was a foreman.

Q. And that was in the CIO?

A. That was in the CIO, and that I have today.

Q. You feel, I suppose, that if you had—if the foremen had collective bargaining and you were there thirty-five years, you would be automatically promoted?

A. No, I would have something to say, though.

Q. What would you have to say?

A. I would have my particular record.

Q. Well, you have that now, haven't you?

A. As a foreman, as is.

Q. But your idea would be that if you had collective bargaining and you were there thirty-five years, through the force of the collective bargaining, you could make them make you a general foreman?

A. I couldn't make them do anything.

Q. Then what is your purpose in believing in unionism and collective bargaining? Didn't that go that far?

A. My meaning of unionism, as you put it, is security, is job protection, and you cannot get away from it in my case.

Q. Well, you are talking about job protection, how  
672 do you get that job protection?

A. Well, you would at least have a hearing about your case, wouldn't you? I didn't have a hearing.

Q. But you had an opportunity to present your arguments to management, didn't you?

*Testimony of Thomas Dwyer*

A. No, I did not have.

Q. You mean Mr. Miller just said, "This is it, out you go"?

A. That is correct.

Q. Did you attempt to state your case to him?

A. I did.

Q. Then you did state your case to him, didn't you?

A. No, I just told him, "Well, there is only one thing for me to do and that is gamble with the Employment Department."

Q. Getting back to this security business, you feel if you had collective bargaining you could use the force of this Union to make the Company retain you in your job because you had been there thirty-five years?

A. No, if we had security your seniority would take care of that. As a foreman I did not have no seniority, although I was with the Company thirty-five years.

Q. You believe that a foreman should have seniority?

A. In my case, yes.

Q. And, therefore, if you had collective bargaining  
673 that would be one of the things you would have?

A. I would have seniority.

Q. And the Company could not have demoted you because of your seniority?

A. I wouldn't say that, they can do anything.

Q. I don't quite understand this security proposition you are bringing up.

A. Your seniority years are the years you put there and they are secure, is that correct?

Q. Well, I am asking you.

A. Well, I am asking you, too. You are putting the question that way. After thirty-five years you should have something. In other words, you shouldn't just be tripped over and shoved around, you at least ought to have a hearing.

Q. The point is that you feel that if you had this Union you could, we'll say, force the Company to give you a hearing?

A. That would automatically take care of itself in seniority.



*Testimony of Thomas Dwyer*

Q. In other words, you would insist upon a seniority provision in your contract?

A. You are putting that in.

Q. I am asking you, on this collective bargaining business, you feel that there should be a seniority provision in the contract?

674 A. If you had collective bargaining both sides have an argument and in my case there was only one argument and that was the Company's argument.

Q. If you had collective bargaining you would have the group behind you to argue for you, isn't that so?

A. I would at least have a chance to say yes or no.

Q. Didn't you have a chance to say yes or no to Mr. Miller?

A. I said yes and no to him a lot of times.

Q. Do you know Mr. Miller?

A. Yes.

Q. You are not unfriendly with him?

A. No.

Q. And he is not unfriendly with you?

A. No.

Q. And you get along all right today?

A. Yes, I certainly like the gentleman. We may have had differences of opinion.

Q. And there was that difference of opinion at the time you went in as to your capacity and ability?

A. That could be about anything.

Q. He may have disagreed with you as to your classification?

A. He didn't say so.

675 Q. There is a possibility that he might not say so, isn't that true?

A. There is an executive for you. Why don't they say those things?

Q. Probably not to hurt your feelings.

A. When we build ourselves up into a few years, as I am, we can take anything they give us, and we do.

Q. You do take it but you don't like it?

A. We don't say we don't like it, we fight back.

Q. And that is why you want this organization?

*Testimony of Thomas Dwyer*

A. I want the organization? I got an organization. I am in the CIO.

Q. And that organization fights for you?

A. Correct.

Q. And you feel that if the foremen should have an organization—so that if one of the foremen only had ten years' seniority and another had eight, you would fight to see that the man who had ten years' seniority got the job?

A. Possibility.

Q. Who decides the matter of ability?

A. Your own self has a lot to do with it by what you can show.

Q. And that is decided by the Union or the Company?

A. That is a question.

676 Q. That is quite a big question, isn't it?

A. You bet, that is why we are here today.

Mr. Dahling: No further questions.

Trial Examiner Jaffee: Are there any further questions of this witness?

Mr. Nelson: No questions.

Mr. Karasick: No questions.

Trial Examiner Jaffee: I have one or two questions that I want to clear up.

Q. (By Trial Examiner Jaffee): Mr. Dwyer, when did you join the UAW-CIO?

A. I would say some time in 1940.

Q. That is to say, at the time you became a working man again?

A. Shortly after.

Q. Did you testify that a general foreman has to do with more than one department?

A. Well, a general foreman—I think a general foreman is a man who is given that rank when he has several departments.

Q. Do you then mean to testify as well that every general foreman has more than one department?

A. No, I wouldn't say that.

Trial Examiner Jaffee: Are there any further questions of this witness?

*Testimony of James Byerley*

677 Mr. Nelson: No further questions.

Mr. Dahling: No questions.

Mr. Karasick: No questions.

Trial Examiner Jaffee: Very well, the witness is excused.

(Witness excused.)

Trial Examiner Jaffee: We will take a five-minute recess at this time.

(Recess.)

*After Recess.*

Trial Examiner Jaffee: Let us proceed, gentlemen.

Mr. Nelson: Mr. James Byerley.

Trial Examiner Jaffee: What is his name?

Mr. Nelson: Mr. James Byerley, B-y-e-r-l-e-y.

**JAMES BYERLEY,**

a witness called by and on behalf of the Petitioning Union, being first duly sworn, was examined and testified as follows:

**Direct Examination.**

Q. (By Mr. Nelson): Your address is what, Mr. Byerley?

A. 12 West Canfield.

Q. Is that in the City of Detroit?

A. Yes, sir.

Q. How long have you lived here, about?

A. About nineteen years.

678 Q. You are a married man with a family?

A. Yes, sir.

Q. Are you presently employed by the Packard Motor Car Company?

A. Yes, sir.

Q. How long have you been employed there?

A. Nine years and ten months.

Q. When you started there, what work were you doing?

A. I started as an arc welder.

Q. Had you had some training for that work.

A. Previously, over at the Chrysler Corporation.

*Testimony of James Byerley*

Q. As maintenance and production workers?

A. Yes.

Trial Examiner Jaffee: Is that right?

The Witness: Yes.

Mr. Nelson: That is all.

**Recross Examination.**

Q. (By Mr. Dahling) I am sorry for the delay. Mr. Examiner. We had some records we wished to look at here. Witness, would you say that you were originally employed by the Packard Motor Company in February 22, 1935?

A. Yes, sir.

Q. And you were made a foreman in the XLE Department about July 28, 1939?

A. Approximately there, yes.

Q. Then when did you go back to the production, approximately?

698 A. Eighteen months later.

Q. That was approximately May 9, 1941?

A. Yes.

Q. And you are now working in the aircraft division?

A. Yes.

Mr. Dahling: That is all.

Trial Examiner Jaffee: Off the record.

(Discussion off the record.)

Trial Examiner Jaffee: On the record.

Mr. Nelson: Mr. Examiner, it is the best information I can get as to the connection of the Packard supervisory force with Local 918 to the effect that it began in October, 1939 and concluded sometime in January of 1940. It is also my information that the Local had a longer life than that because the Packard men were not the first supervisory force in the Local. I am not able to fix the time with sufficient certainty to hazard a statement on that.

Trial Examiner Jaffee: Mr. Witness, have you heard the statement of counsel just made?

The Witness: Yes.

Trial Examiner Jaffee: What do you say about it?

The Witness: It is correct as far as my knowledge is concerned.

*Testimony of James Byerley*

Mr. Dahling: As far as your knowledge as to the Packard Motor Company or to the other company?

699 The Witness: As to the Packard Motor Company.

Trial Examiner Jaffee: Do you know whether or not it existed for a longer period in other companies?

The Witness: I wouldn't be able to say for sure, it would be hearsay if I did.

Trial Examiner Jaffee: Then with that exception you adopt counsel's statement as your own?

The Witness: Yes.

Mr. Donovan: To the best of your knowledge, and speaking generally and without pinning you down to any particular date, the disbanding of that old Packard supervisory Local was around January, 1940, was it not?

The Witness: Yes.

Mr. Donovan: That is all.

Mr. Nelson: If they are through with this witness, I will excuse him.

Trial Examiner Jaffee: They apparently are. The witness is excused.

(Witness excused.)

Mr. Nelson: I call Mr. W. T. Grant.

Trial Examiner Jaffee: Before Mr. Grant testifies, I would like to ask you, Mr. Nelson, for the record, assume for the time being—which assumption is not a finding of fact and of course, if I may add parenthetically, I do not make findings of fact in this case anyway—assuming 700 for the time being that Packard was opposed to the organization of foremen—to that extent, there seems to be no disagreement. Assuming further that it was violently opposed to it, to the extent that it demoted certain foremen because of it—and that is the only assumption for the time being—what does it add to this particular hearing?

Mr. Nelson: The knowledge of it adds reasons for the action taken by these foremen that is criticized here by counsel.

Trial Examiner Jaffee: What reasons?

Mr. Nelson: They criticize the strike and strikes, and they criticize what they characterize as extreme measures.

*Testimony of James Byerley*

Q. You had previous training and experience?

A. Yes, sir.

Q. You were employed at the Chrysler Corporation how long?

A. Seven years.

Q. As an arc welder?

A. Arc welder and torch solderer.

Q. That was a production job you had to start with at Packard's?

A. Yes, sir.

Q. Afterwards, were you promoted to supervision at Packard's?

A. Yes, sir.

679 Q. How long after you started there?

A. I will say five years, five and a half years.

Q. To what position were you promoted?

A. Assistant foreman.

Q. In what line of work?

A. Body assembly.

Q. Did that involve this welding and soldering that you have referred to?

A. Yes, sir.

Q. How many men did you have under your supervision?

A. 85.

Q. Were they all skilled men in that line?

A. We wasn't all welding; we were arc welding and gas welding, too.

Q. It was an arc welding and soldering job?

A. No, not all of it; some of it was, yes.

Q. But it involved men with skill, did it?

A. Yes, sir.

Q. Who had some training and experience?

A. Yes, sir.

Q. What was the year that you were promoted to assistant foreman?

A. 1940.

Q. Did you advance beyond that in rank?

A. No, sir.

680 Q. You remained as assistant foreman until when?

A. 1941.



*Testimony of James Byerley*

Q. Did you become a member of Local 981, the Supervisors Local of the CIO?

A. Yes, sir.

Q. Do you have a receipt or your card?

A. No, I don't.

Q. Do you remember when you became a member of that local?

A. I would say it was just when we started the new model in 1940.

Q. And you were at that time an assistant foreman at Packard's?

A. Yes, sir.

Q. And thereby qualified as a member?

A. Yes, sir.

Q. Do you remember what your wage or salary was?

A. Yes, sir.

Q. What was it?

A. \$1.25.

Q. An hour?

A. Yes, sir.

Q. You were an hourly-rated assistant foreman?

A. Yes, sir.

Q. It averaged about what, weekly or monthly?

681. A. I would say—well, forty hours a week we run.

Q. How did you happen to become a member of Local 918?

Mr. Dahling: I object, Mr. Examiner, as being incompetent and irrelevant, the reasons why he became a member of that organization.

Mr. Nelson: I did not mean to ask him, that. I meant, did he hunt up that local or did somebody solicit him.

Trial Examiner Jaffee: He may answer.

The Witness: Well, it looked like a pretty good organization, so I joined it. I needed protection the same as everybody else.

Mr. Dahling: May the last part of the answer be stricken, Mr. Examiner?

Trial Examiner Jaffee: It may be stricken, because it was not responsive to counsel's question.

*Testimony of James Byerley*

Q. (By Mr. Nelson): At that time, did you belong to any other labor organization, at the time you joined Local 918?

A. Yes, sir.

Q. What local were you a member of?

A. UAW-CIO, Local 190.

Q. Is that the Packard Local?

A. Yes, sir.

682 Q. You had become a member of that when you were a production worker?

A. Yes, sir.

Q. Did you take your demit from that Local 190 to Local 918, or did you continue in both?

A. No, sir, I got a demit from Local 190.

Q. To Local 918?

A. Yes, sir.

Q. Did you attend the meetings of Local 918?

A. Yes, sir.

Q. Were you an officer?

A. No, sir.

Q. Do you know whether Local 918 was limited to supervisors at Packard's?

A. No, sir, it wasn't.

Q. What other employers' supervisors were members of that Local?

A. Well, we had a branch, you can call it, of our own at Packard.

Q. You had a branch, a Packard branch of it?

A. Yes, sir.

Mr. Dahling: Mr. Examiner, may I suggest the records and Constitution of this particular organization would be the best evidence as to its membership, functions, and so forth, and eligibility? This witness is testifying as to the qualifications of members, and so forth. If that

683 is not available, of course, that is another thing.

Mr. Nelson: I must say to the Examiner that I personally have made a search for the officers and the records of this local. I am informed that Mr. Bolds, who was president, has been in Europe and North Africa for a year or two. The vice-president, likewise, is in the armed services. I located the secretary-treasurer who was with

*Testimony of James Byerley*

out records and who was unable to give me the location of the records. I am continuing the search for the records of this Local, so far, without any success at all. I have offered this oral testimony because I was unable to obtain anything more than the two exhibits, Nos. 29 and 30, the card and the demit I have offered. I, obviously, would have produced the records if I could. I am continuing the effort, but I would like, in the meantime, to offer this witness briefly on the organization.

Mr. Dahling: Well, Mr. Examiner, if this witness can qualify, I am not taking any exception to counsel's statement that he has made an investigation. If counsel states he has, that is accepted by me. I am not questioning that at all. But unless this witness has read the Constitution or read the by-laws, and can qualify for this secondary evidence, as to the contents, then I must, of course, object to the questions.

684 Mr. Nelson: I am not offering that; I am offering the functions that he observed himself, and I will limit myself to that.

Trial Examiner Jaffee: He may answer.

Q. (By Mr. Nelson): Do you know whether in addition to this Packard Chapter there was in this Local other employer supervision?

A. Yes, sir, there was.

Q. Which ones?

A. Murray's was in it, Chrysler Corporation, Kelsey-Hayes, those are the ones I know of personally. There was others in it, but I can't recall the names of them.

Q. Can you say whether Briggs was?

A. I wouldn't say for sure.

Mr. Donovan: What companies did you mention besides Chrysler's?

Trial Examiner Jaffee: The Murray Corporation, Chrysler Corporation and Kelsey-Hayes.

Q. (By Mr. Nelson): Those are the ones you know of?

A. Yes, sir.

Q. But there may have been others that you are not aware of, is that right?

A. Yes, sir.

*Testimony of James Byerley*

Trial Examiner Jaffee: But it was limited to supervisors?

The Witness: Yes, sir.

685 Q. (By Mr. Nelson): Were you a member when the Local 918 disbanded?

A. Yes, sir.

Q. Do you know what reasons for the disbandment were given? Just answer yes or no.

A. Yes.

Q. What were they?

A. They took the charter away when the Dodge Company had their strike. The Charter was taken away from us at that time.

Q. And you disbanded?

A. Yes, sir.

Q. You continued as a foreman, did you, at Packard's?

A. Yes, sir.

Q. For how long?

A. About six months.

Q. Then what happened to you?

A. In the change of models, they give me this job on production.

Q. As an hourly-rated production worker?

Mr. Dahling: Six months after what date?

Mr. Nelson: Six months after the disbandment of Local 918.

Q. (By Mr. Nelson): Is that correct, witness?

A. Yes, sir.

686 Q. What was the work that you were then given?

A. I was torch welding then.

Q. That was as a production worker?

A. Yes, sir.

Q. Have you had supervision, at any time since you undertook this work last mentioned?

A. No, sir.

Q. You have never since been a foreman?

A. No, sir.

Q. Are you a member of any labor organization?

A. Yes, sir.

Q. And of which one?

A. UAW-CIO, Local 190.

*Testimony of James Byerley*

Q. When did you become a member of it again?

A. Right after I went off from supervision.

Q. Now, let me ask you, Mr. Byerley, if you know of any other foremen at the Packard Company plant who were foremen prior to the organization and the disbandment—prior to the disbandment of Local 918, and who have never since been foremen in the plant and have continued in the plant as employees?

A. Yes, sir.

Q. Who were they?

Mr. Dahling: I object, Mr. Examiner—

Trial Examiner Jaffee (Interposing): Just a minute.

687 May I have the last two questions and answer read? (Questions and answer read.)

Mr. Karasick: I object, Mr. Examiner.

Trial Examiner Jaffee: Just a minute, I am trying to understand the question.

Mr. Karasick: That is why I am objecting, Mr. Examiner.

Mr. Nelson: May I withdraw it? I will withdraw both of those last questions.

Trial Examiner Jaffee: Very well.

Q. (By Mr. Nelson): Mr. Byerley, do you know any men who, prior to the disbandment of Local 918, were employed by the Packard Motor Company as foremen or supervisors who have remained in the employment of the Packard Motor Company from the time of the disbandment through the present time and who have never since the disbandment acted as supervisors at Packard's?

A. Yes, sir.

Q. How many?

Mr. Dahling: The objection we have made, Mr. Examiner, of course, still stands. If counsel for the petitioner is seeking through this testimony to leave the inference that these people were demoted because of their activities in this particular organization, we will be forced to go in and find out their names and check every case and produce testimony.

688 Trial Examiner Jaffee: He may answer.

The Witness: I couldn't say offhand. I know of at least ten of them in the shop today.

*Testimony of James Byerley*

Q. (By Mr. Nelson): What do you say on this question as to whether they were demoted because of their membership in Local 918, since it has been raised by counsel?

Mr. Dahling: Mr. Examiner, if this witness knows.

Mr. Nelson: Yes.

Q. (By Mr. Nelson): If you know.

A. I couldn't say whether it was on account of belonging to the Local or because of organization or not, I couldn't say.

Q. In either case, you could not say?

A. No, sir.

Q. Were there any complaints against your work as a supervisor?

A. Not to my knowledge.

Q. None that was ever brought to your attention?

A. No, sir, it wasn't on my card when they transferred me back on production.

Trial Examiner Jaffee: You say you were changed after the model was changed?

The Witness: Just before they finished the model I was changed back. They brought another man down from another department.

Q. (By Mr. Nelson): And put him in charge of your job?

A. Yes, sir.

Q. Now, what do you say as to whether knowledge of what happened to these ten foremen you have mentioned, and yourself, has spread throughout the plant?

Trial Examiner Jaffee: You mean, spread at that time?

Mr. Nelson: At that time, yes.

A. Spread all over. Everybody recognized it.

Q. (By Mr. Nelson): By "everybody" you mean what?

A. Well, both production and the men that didn't get back on supervision jobs when the jobs opened up.

Mr. Donovan: I object to the question and answer and ask that they be stricken. It is a conclusion that the witness is given. Obviously, it could not be within his knowledge what is in the minds of the Packard Motor Company employees, which he has taken in one sweep in answering the question, which was equally objectionable as the answer.



*Testimony of James Byerley*

Mr. Nelson: I would like to ask one more question.

Q. (By Mr. Nelson): Have you discussed this with the men in the plant?

A. Yes, sir.

690 Trial Examiner Jaffee: Well, it is broad, but I think everybody understands how much weight to give to that type of answer.

Q. (By Mr. Nelson): You are still working there, are you not?

A. Yes, sir.

Q. And you have now accumulated some seniority as a production worker?

A. Yes, sir.

Q. In the CIO?

A. Yes, sir.

Mr. Nelson: That is all. I offer the witness for cross-examination.

Mr. Dahling: No questions, Mr. Examiner.

Trial Examiner Jaffee: The witness is excused.

Mr. Karasick: Just one moment, please.

**Cross-Examination.**

Q. (By Mr. Karasick): Mr. Witness, you said the Charter of Local 918 was taken away at the time of the Dodge strike?

A. Yes.

Q. Who took it away?

A. John L. Lewis.

Q. And that caused the Local to disband?

A. Yes, sir.

691 Q. Following that, was there any organization embracing foremen at the Packard Motor Car Company up to the time the Foreman's Association was organized?

A. Not to my knowledge.

Mr. Karasick: That is all.

*Testimony of James Byerley*

**Redirect Examination.**

Q. (By Mr. Nelson): Mr. Byerley, do you know how many men have been made foremen in your line of work since you were demoted at the Packard Motor Company?

A. Since war production?

Q. Yes.

A. Since war production my line of work is not like it was, as far as that is concerned. There have been a lot of promotions that have been made.

Q. But you have not had any of them?

A. No, not yet.

Q. Promotions of other men from daily workers or hourly-rated workers?

A. Yes, sir.

Q. To other positions?

A. Assistant foremen, yes, sir.

Q. But you have not had any of those promotions?

A. No, sir.

Q. And none of these ten men you know have had any promotions?

692 A. No, sir.

Q. You say "a lot of men have been promoted." What do you mean by that? I don't know what the word "lot" would mean.

A. Well, I would say twelve or fifteen that I know of personally.

Q. You had never been a foreman before?

A. That's right.

Mr. Nelson: That is all.

Mr. Dahling: Mr. Examiner, I would like to ask a few questions.

Trial Examiner Jaffee: Very well.

**Recross Examination.**

Q. (By Mr. Dahling): Can you give us the names of the ten men you mentioned?

A. I couldn't do it offhand.

Q. Can you give us the names of any of them?

*Testimony of James Byerley*

A. I can give you the nickname of a few of them; that's all I know.

Q. Do you know them quite well?

A. I know them quite well, yes; some of them worked for me.

Q. Work for you now?

A. No, when I was assistant foreman, I mean.

Q. Were they assistant foremen, also?

693 A. Not then, no.

Q. When were they made assistant foremen?

A. After the war started.

Q. That was after Local 918 was disbanded?

A. Yes, sir.

Q. So your testimony as to these people having been demoted refers to a period of time after the disbandment of Local 918?

A. You said demoted?

Q. Yes.

A. I was demoted after 918 disbanded.

Q. Well, these other foremen, were they demoted after that period, also?

A. Yes, sir.

Q. Can you secure their names?

A. I imagine a person could get them easy enough.

Q. Will you secure their names and furnish them to counsel for the petitioner?

Mr. Nelson: I will join in asking him to do that.

The Witness: I will see if we can get them.

Q. (By Mr. Dahling): Could you fix the date when Local 918 was finally disbanded, approximately, to the best of your knowledge?

A. No, sir, I couldn't say that. At the time it disbanded, I know was about two weeks after Dodge  
694 had that big strike of theirs.

Q. You do not recall the year?

A. In 1940, wasn't it?

Q. In 1940?

A. Yes, sir.

Q. And it would be about two weeks after the beginning of that strike?

*Testimony of James Byerley*

A. No, sir, it was after the strike was ended.

Q. Oh, after the strike was ended?

A. Yes, sir.

Mr. Dahling: No further questions.

**Redirect Examination.**

Q. (By Mr. Nelson): While you are on that, is it a fact that the disbandment grew out of some difficulty in settling that strike?

A. Yes.

Q. And bringing it to a close?

A. Yes, sir.

Q. Because I want—

Mr. Donovan (Interposing): Just a minute, I will ask if the witness knows the reasons.

Mr. Nelson: Very well.

Q. (By Mr. Nelson): Tell us what you know about that.

Mr. Donovan: From his personal knowledge. And I still insist upon our continuing objection.

695 Mr. Nelson: Very well.

Q. (By Mr. Nelson): Tell us what you know as an active member in Local 918, the Packard Division, of the reasons for the disbandment of that Local.

Mr. Dahling: Just a minute, Mr. Examiner.

Q. (By Mr. Nelson): Particularly with reference to the Chrysler strike.

Mr. Dahling: If he was present at any meetings where the strike was being discussed, that is one thing. But if this is hearsay, that is, he was told by someone, that is another thing. I do not think from the form of the question we can determine whether or not this is hearsay.

Q. (By Mr. Nelson): Were you present at meetings where the reasons were discussed?

A. Only in our own local, yes.

Q. What were the reasons given your local?

A. Given our local?

Q. Yes.

A. The foremen at the Dodge Truck plant wanted to rehire some foremen that had been discharged out there,

*Testimony of James Byerley*

and Dodge refused to do it, and John L. Lewis was having trouble settling that strike at Dodge's. He just took our charter away from us.

696 Q. Didn't insist on the re-employment of foremen?

A. No, sir.

Q. Just disbanded you and left you?

A. Yes, left us out in the cold.

Q. And took care of the maintenance and production workers?

A. Yes, sir.

Mr. Nelson: I think that is all.

Mr. Karasick: No questions.

Trial Examiner Jaffee: I am still a little bit unclear, Mr. Byerley, about these ten men.

Q. (By Trial Examiner Jaffee): As I understand it, when Local 918 disbanded, they were not assistant foremen?

A. They were at that time, yes, the first ones were, yes, the last question asked merely about the men that had been advanced. They wasn't members of it.

Q. You referred to ten men.

A. Yes.

Q. Were they assistant foremen at the time Local 918 disbanded?

A. Yes.

Q. There came a time therefore, after—if I understand your testimony—when they no longer were assistant foremen?

A. Yes.

697 Q. And were instead production or maintenance workers, is that right?

A. Yes.

Trial Examiner Jaffee: Any further questions of this witness?

**Redirect Examination.**

Q. (By Mr. Nelson) And in addition have continued there to the present time?

A. Yes.

*Testimony of James Byerley*

I think these men were entitled to act within the scope of knowledge of not only what the Company pronounced as a policy, but what it demonstrated it was ready to do.

Trial Examiner Jaffee: As I understand it, the real issue and the main issue here is a question of the appropriateness or inappropriateness of its claim as a unit.

Mr. Nelson: It bears on that also.

Trial Examiner Jaffee: How?

Mr. Nelson: It bears on that illustrated by an experience with a chapter not limited to the plant and a chapter not limited to supervision.

Mr. Donovan: The evidence does not show that it  
701 was not limited to supervision, does it?

Mr. Nelson: Well, the CIO, the Local was limited to supervision but the conflict between the interests of supervision and the hourly rated employees, appears very clearly in the testimony. It was summarily disbanded as a necessary measure in settling what appears here as a serious strike.

Trial Examiner Jaffee: To use an illustration, are you referring to the testimony of the last witness where he spoke of the intervention of Mr. Lewis and what the witness referred to as "the foremen having been left out in the cold", so to speak.

Mr. Nelson: He says that certain foremen members of this Local were seeking reinstatement after that strike at Dodge and Chrysler and that Mr. Lewis left them out in the settlements and went to extreme measures of even disbanding rather than to jeopardize a settlement of the rights and claims of the maintenance and production workers.

Trial Examiner Jaffee: I gather then this, in that settlement there was in effect a conflict as to whether or not production and maintenance workers would benefit as opposed to foremen.

Mr. Nelson: There was either a conflict or a trade. One thing was given for something else and that would, of itself, imply some conflict—

702 Trial Examiner Jaffee: (Interposing) And that in turn would indicate that production and maintenance workers should not be in the same unit as foremen?



*Testimony of James Byerley*

Mr. Nelson: That is our position. This is an illuminating example of exactly what happens.

Trial Examiner Jaffee: When I say it might indicate, I am talking about your contentions.

Mr. Nelson: Those are our contentions. We claim this illustrates our contentions by experiences and is presumed to be within the knowledge, at least, of the active members of the Packard Motor Car Company. In any event, those are our contentions.

Mr. Dahling: If that is the case, then testimony that John L. Lewis changed his Mine Workers Constitution after the Collier case to admit supervisory employees is also pertinent testimony in this case and has about the same weight. Of course, it is a fact, as it appears in the Congressional Record, that as soon as the Collier case came into effect, Mr. John L. Lewis changed his Constitution to take in supervisory employees of the mines.

Mr. Nelson: When I was in the coal mines we took in all the bosses.

Mr. Dahling: I refer you to the Congressional Record, that I assume you are familiar with. You were present at the hearing and heard testimony to that effect.

703 Mr. Nelson: I do not need the Congressional Record on the Mine Workers Union. I was a member of it.

Mr. Dahling: Then you are not up to date on that?

Mr. Nelson: Oh, yes, I am.

Mr. Karasick: You are not ruling on this particular question?

Trial Examiner Jaffee: No.

Mr. Karasick: It is just an observation?

Trial Examiner Jaffee: It is a request for enlightenment.

Mr. Karasick: Very well.

Trial Examiner Jaffee: Perhaps I should say further enlightenment.

Mr. Nelson: May I proceed?

Trial Examiner Jaffee: Yes.

Mr. Nelson: I call Mr. W. T. Grant.

*Testimony of Wilfred T. Grant*

**WILFRED T. GRANT,**

a witness being called by and on behalf of the Petitioner,  
being first duly sworn, was examined and testified as  
follows:

**Direct Examination.**

Q. (By Mr. Nelson) Your first name, please?

A. Wilfred.

Q. Mr. Grant, your residence, if you please?

A. 15080 Strathmoor, Detroit.

704 Q. And your present occupation?

A. President of Local 600 UAW-CIO.

Q. Did you come here at my request?

A. That is true, if you are Mr. Nelson.

Q. I am Walter M. Nelson. You have never met me  
and I have never met you?

A. That is right.

Q. And Mr. Nelson called you and you came?

Mr. Donovan: What was the name of the Local?

The Witness: Local 600, UAW-CIO.

Q. (By Mr. Nelson) The Ford Motor Company Local of  
Maintenance and Production workers?

A. Yes, that is the Local that represents the maintenance and production workers at the Rouge Plant, Ford Motor Company.

Q. Were you employed by the Ford Motor Company prior to becoming president of the Local?

A. I was.

Q. In what capacity?

A. Tool and die room.

Q. For how many years were you employed by the Ford Motor Company?

A. Well, I started with the Ford Motor Company in 1922.

Q. And continued until when?

A. Until I became financial secretary of Local 600.

705 Q. When was that?

A. That was in 1942.

Q. And since that time you have been active in the affairs of Local 600, have you not?

*Testimony of Wilfred T. Grant*

A. That is true.

Q. Now, without assuming any detailed knowledge of it, Mr. Grant, do you know of the efforts of the supervisory employees of Ford Motor Company to organize an association?

A. Yes.

Q. Beginning sometime in 1941?

A. I do not know when it began.

Q. You knew it was in process?

A. We had manifestations of it at the Rouge Plant, yes.

Q. And you have knowledge, do you, that after various proceedings and negotiations a contract was signed between the Ford Motor Company and the Foreman's Association of America, Ford Chapter Number 1?

A. I have knowledge of that, yes.

Mr. Dahling: Mr. Examiner, I want to repeat again to be sure that we have a ~~continuing~~ objection to all this testimony that relates to any of the testimony relating to the Ford organization or any union in the Ford organization or associations in the Ford organization, my objection being that it is incompetent, irrelevant and immaterial.

We are dealing here with the Packard situation.

706 Trial Examiner Jaffee: In order to remove any possible question and doubt as to whether or not your rights have been protected, Mr. Dahling, I will say for the record I have regarded and do regard that the matter you have mentioned has been riveted and bolted and I do not know what else—you have it in so tight that the nails are coming out the other end of the plank.

Mr. Dahling: Thank you, sir.

Mr. Nelson: It is even welded.

Q. (By Mr. Nelson) Now, Mr. Grant, my question is this, as an active officer of Local 600, have you observed any harmful effects on the rights of maintenance and production workers or on their protection that could be said to grow out of the organization by the supervisory force at the Ford Plant?

A. No. I have not noticed any harmful effects, neither can I say I noticed any beneficial effects. We have had grievances before and we have grievances now.

*Testimony of Wilfred T. Grant*

Q. And the organization of the foremen does not affect in any way your handling of those grievances?

A. No, none whatsoever.

Q. Neither to hurt nor to help?

A. That is correct.

Q. What can you say as to whether the organization of the foremen has affected the growth or numbers of  
707 your Local or organization in the Ford plant?

A. Well, that has not hurt any because we have to have at the Rouge Plant—what I presume a lot of people do not like—a closed shop. So, every man that is on those jobs, that is covered by the contract, is covered by the Union.

Q. So your answer is that it has not helped or hurt in that regard, is that correct?

A. That is right.

Q. Now, if you did not have a closed shop, but suppose you had recognition, have you observed anything that would tend to hurt or help your organization? I am asking you to assume that it was not a closed shop. Would the organization of the foremen have affected their rights or their grievances or the operation of your organization in any way?

Mr. Donovan: That is pure speculation.

Mr. Nelson: In your opinion, ~~Witness~~?

Trial Examiner Jaffee: Just a minute.

Mr. Donovan: It is a hypothetical question, and pure speculation.

Trial Examiner Jaffee: I think that further foundation ought to be indicated on the record first, to show that the witness is capable of answering the question.

Q. (By Mr. Nelson) Mr. Grant, do you feel that you could express an opinion on the subject?

708 A. I could because it so happens that the Ford Motor Company—even though I had been employed there for 22 years—is not the only place I worked. I worked in other places both in America and in England where there have been unions and I have been able to observe from experience.

Q. The effect of the organization of supervisors?

A. That is right.

*Testimony of Wilfred T. Grant*

Mr. Donovan: Well, then—

Mr. Nelson: (Interposing) May I ask just one question?

Mr. Donovan: All right.

Q. (By Mr. Nelson) Then you are willing to give your opinion? And your opinion as expressed here should stand?

A. I think so.

Mr. Donovan: This question, if answered, would obviously not be binding upon Management because the witness does not purport to give Management's views, whatever they may be and whether he may or may not be in a position to speak about Management's view, which I doubt he is. I do not think that the witness should be allowed to speculate upon a state of facts upon which he never had any actual basis in his experience at the Ford Motor Company; because they have from the first, as I believe, had a closed shop contract. What the conditions would have been if they did not have that type of contract

I think both Mr. Grant and myself or any other  
709 person could only let their mind roam around and speculate about. Mr. Nelson expects that that speculation might result in something on the record giving an unfavorable inference to the Employer. It is a danger that I would like to avoid and is one of the reasons I object to the question.

Mr. Nelson: The witness has now stated his experience and reason for his opinion and has stated his opinion for whatever weight it may bear. I think it should remain.

Mr. Donovan: If the Examiner feels that in making a complete record, he would like to hear the testimony, and give it such weight as he considers proper, I will withdraw the objection.

Trial Examiner Jaffee: I do not like testimony that is speculative. The difficulty is that you cannot define that term in the language of mathematics. Where speculation ends and fact begins is often questionable. Very often, if a person is sufficiently qualified to be what we might term an expert and answers to a hypothetical question, it is of some value. The fact that it is hypothetical and the fact that it may be said to a certain degree to be speculative, of course, affects the weight. I am inclined to think, on

*Testimony of Wilfred T. Grant*

the whole, it should be received; but frankly, I am not too clear on it, as I have indicated. The matter of  
710 weight enters into the picture.

Mr. Karasick: Mr. Examiner, may I make this suggestion? If that is so, that the witness' qualifications with respect to his length of employment and place of employment and general experience with the Union picture be gone into with a little more detail to show whether or not or what weight should be accorded to it, if any.

Trial Examiner Jaffee: Proceed.

Q. (By Mr. Nelson) Mr. Grant, have you been a member of other labor organizations than the UAW?

A. Yes.

Q. What other ones?

A. The A. S. E. That is an English trade name. It is the Amalgamated Society of Engineers and later on, it was the Amalgamated Engineering Union.

Trial Examiner Jaffee: That is in England?

The Witness: That was in England. I was also a member of that when I came out to America for a matter of ten years in the Canadian branch, the Canadian and American branch I should say, because at that time I worked in what was a notoriously open city but I still retained my affiliations with the Union. I believe if you care to see that, that I have documentary proof here.

Q. (By Mr. Nelson) Your statement will suffice for the time being. Any other labor organizations that you  
711 can remember?

A. The UAW-CIO and the Engineers, that is all.

Q. Covering a period of how many years?

A. I first joined the Union in—let me see—it is a long way back, 1916 or 1917.

Q. Have you been a member of some labor organization practically ever since that time?

A. Practically, yes.

Trial Examiner Jaffee: By the way, how old were you when you first joined the Union?

The Witness: Well, I will have to go back now.

Trial Examiner Jaffee: Approximately?

The Witness: Around '16 or '17. I joined as an apprentice. The A. E. U. is a trade union of skilled workers and



*Testimony of Wilfred T. Grant*

you joined as an apprentice member and then you became a full member when you became a journeyman.

Trial Examiner Jaffee: That takes a period of training?

The Witness: That is right.

Q. (By Mr. Nelson) Under union auspices or supervision?

A. Well, in some cases, under supervision and in some cases under both.

Q. Were you an officer of the Engineers Union?

A. No.

Q. But a member?

712 A. I was a member.

Q. Were you active?

A. Yes, I was active. I was a member of the Trades and Labor Council as a delegate from the Union. That was in England.

Q. Have you been active since the inception of the organization, the UAW in the Ford Plant?

A. Yes.

Q. Its approximate inception?

A. Yes.

Q. I want to come back. I have asked you about the organization of foremen and I want to ask you if your answers would be in any way changed as to the effect on the grievances, rights or procedures of the maintenance and production workers and their organization,—if the answers would be the same with respect to the contract that the Foreman's Association has: In other words, has the fact of making a contract in any wise affected the rights and prospects of the Maintenance and Production workers?

Mr. Donovan: Just a minute, please.

Mr. Nelson: I mean the foremen's contract, that is what I referred to.

Trial Examiner Jaffee: At Ford Motor Company.

Mr. Nelson: At the Ford Motor Company.

The Witness: I can only answer—

713 Mr. Donovan: (Interposing) Just a minute. I submit that this question is so put that it is asking possibly one of the issues in the case. It is a broad question involving a conclusion and covering an unlimited

*Testimony of Wilfred T. Grant*

amount of territory and ground. I think on so important a matter and one that might loom as such; that counsel should ask more specific questions and break the questions down so that the witness may give factual knowledge of facts that bear upon such a statement, which is a general conclusion.

Mr. Nelson: I assume—

Mr. Donovan: (Interposing) The word "affected" might mean so many different things—

Mr. Nelson: (Interposing) Very well, I will withdraw the question and ask it over.

Mr. Donovan: It is a question of law and fact mixed together. We do not want that sort of thing piled against the Employer in the record.

Q. (By Mr. Nelson) Has the making of a contract by the Foreman's Association in any wise harmed or helped the maintenance workers at the Ford Plant?

A. As I stated before, it hasn't harmed the production workers; neither has it helped them. We had grievances, as I stated before, and the Foreman's Association was formed and we have grievances now.

Q. Do you handle them in much the same way?

714 A. Pretty well the same way.

Q. Now, taking a little narrower question, Mr. Grant, so far, has there been any friction or difficulty growing out of the question whether a man should be a UAW member or a member of the Foreman's Association?

A. No, we have none, and there has been no dispute on that. The UAW, of course, has had some dispute as to who should be members of the Union or who should be considered as excluded, but that is apart from the foremen.

Q. But there has been no dispute growing out of the organization of the foremen?

A. No, none whatsoever.

Q. Let us assume that there could be such a thing. Is there anything in the nature of it, Mr. Grant, that would not yield to ordinary negotiations?

Mr. Donovan: I object to a question like that.

Trial Examiner Jaffee: Objection sustained.

Mr. Nelson: You may cross-examine.

*Testimony of Wulfred T. Grant*

Trial Examiner Jaffee: Off the record.

(Discussion off the record.)

Trial Examiner Jaffee: On the record.

Mr. Donovan: May I ask the witness a couple of questions?

Trial Examiner Jaffee: Go ahead.

**Cross Examination.**

715 Q. (By Mr. Donovan) Mr. Grant, the Union of which you are president is a union of the production and maintenance workers at the Rouge Plant of the Ford Motor Company, is that correct?

A. That's correct.

Q. And your members have frequent and daily contact with foremen, do they not?

A. That is correct.

Q. Would you give us your statement or opinion on whether or not, in your opinion, if foremen were organized into a regular national union, such as the Foreman's Association of America, that the CIO would feel that they could handle them better than if they were not so unionized in their contacts?

A. I would like you to repeat that question again, please.

Trial Examiner Jaffee: Will you read the question, please?

(Question read.)

Mr. Nelson: I will object to that form of a question.

The Witness: I would like to answer it.

Trial Examiner Jaffee: Just a minute.

Mr. Nelson: I am going to try to keep you from answering that question. I am appealing to the Examiner to exclude the question.

716 Trial Examiner Jaffee: I think the words "handle them" should be defined first.

Mr. Nelson: I will object to it even then.

Trial Examiner Jaffee: We will cross such bridge when we come to it.

Mr. Nelson: I don't think he can define it.

Q. (By Mr. Donovan) Mr. Grant, your members are

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concerned almost daily, are they not, with certain matters concerning production and maintenance people?

A. Yes, sir.

Q. And that requires dealing, does it not, with the officers of the CIO and their representatives?

A. Yes, sir.

Q. And sometimes the foremen do things that are not liked by the CIO?

A. Naturally, and sometimes the men do things that do not please the Management.

Q. Now, I am only going to ask you this in a very general way. Do you feel in such a case if the foremen were organized into a regular national union, such as the Foreman's Association of America, being so unionized and being union men themselves, would you feel you could make a little more progress in the CIO in your contacts with the foremen on your various disputes that arise between them?

Trial Examiner Jaffee: Than otherwise?

717 Mr. Donovan: Than otherwise.

Mr. Nelson: I think that is still objectionable.

Trial Examiner Jaffee: Why?

Mr. Nelson: It calls for an opinion of this witness.

Trial Examiner Jaffee: I thought Mr. Donovan was asking for his opinion.

Mr. Nelson: But it is his weighing of an advantage that is supposed to exist, if the Examiner please, and I do not see where any interest is involved here.

Trial Examiner Jaffee: He was an expert witness before, and you cannot now claim he is not.

He may answer.

The Witness: May I answer it in my own way?

Trial Examiner Jaffee: I certainly do not want you to answer it in any other way.

The Witness: I would answer that by saying I don't think it would have any more effect than the organization of manufacturers has.

Q. (By Mr. Donovan) You do not feel, Mr. Grant, then, that there would not be a certain amount of cooperation growing out of one union dealing with another union in a situation such as I have described?

*Testimony of Wilfred T. Grant*

A. I haven't noticed—

718 Trial Examiner Jaffee: (Interposing) Just a minute. Of course, you are assuming something the witness has not testified to.

Mr. Donovan: His answer was he did not think there is anything to Union cooperation or Union sympathy in the question put to him.

Trial Examiner Jaffee: The first question was about the Union dealing with the foremen and you are now talking about one union dealing with another union.

Mr. Donovan: You overruled that question?

Trial Examiner Jaffee: Yes.

The Witness: I would like to answer it.

Trial Examiner Jaffee: The question has been overruled.

Q. (By Mr. Donovan) Would the members of your union run a picket line of the Foreman's Association of America during a strike of theirs at Ford's?

A. During wartime, yes.

Q. In peacetime?

A. I don't know.

Q. State, if you know, whether or not, if you had a strike and a picket line, regardless of whether it was war or peacetime, would you or would you not approve of the FAA members running your picket line?

Trial Examiner Jaffee: You mean, from the standpoint of the UAW?

Mr. Donovan: Yes, would he like it or not?

719 Mr. Nelson: I think the only thing you could ask is what would he do.

Q. (By Mr. Donovan) Well, would you permit it?

A. We probably wouldn't like it and we probably wouldn't let them. We didn't when we shut the plant down in 1941.

Q. Sure, you would not let them?

A. No.

**Redirect Examination.**

Q. (By Mr. Nelson) It would make no difference whether they were organized wholly, partly organized or not organized?

*Testimony of Wilfred T. Grant*

A. No, when we shut a plant down, we shut it down.

Q. There might be circumstances where you would permit the foremen to go through?

A. We did in April, 1941, when we shut the plant down. We recognized the necessity of certain vital things being carried on, and we permitted both the workers and supervision to go in the plant to see that no harm was brought to the plant, other than stopping production.

Trial Examiner Jaffee: Any further questions of this witness?

Mr. Karasick: I have some questions.

**Recross-Examination.**

Q. (By Mr. Karasick) Mr. Witness, I believe you said your organization had grievances to handle before  
720 the contract entered into between the Foreman's Association of America and the Ford Motor Company, and has had grievances since, is that correct?

A. That is correct.

Q. Has there been any greater difficulty in handling grievances since the Foreman's Association contract at the Ford plant, or has there been no material change?

A. There has been a change, yes.

Q. What sort of a change?

A. But that was not due to the formation of the Foreman's Union.

Q. No, you have already given testimony as to your opinion as to whether or not there has been any difference in the situation because the foremen have organized and gotten a contract at Ford's.

A. You asked me the question, has there been any differences in the grievance procedure, and I said yes, there has been.

Q. By difference, I meant, has there been any difficulty caused in the handling of grievances that could be attributable to the contract between the Ford Motor Company and the Foreman's Association of America?

Mr. Dahling: Well, if this witness knows.

Mr. Karasick: I certainly do not want him to tell me if he does not know.



*Testimony of Wilfred T. Grant*

721 A. No.

Q. (By Mr. Karasick) You are acquainted with handling grievances there and that is part of your duties?

A. Naturally.

Q. The ASE is a labor organization which comprises supervisory employees in England, is that right?

A. Will you read the question?

Trial Examiner Jaffee: Will you please read the question?

(Question read.)

A. If a man of the ASE—he could still retain his membership in the ASE. He could not be an active member.

Q. (By Mr. Karasick) Do you know whether or not there are any unions in England which cover supervisory employees only?

A. (No response.)

Q. Are you acquainted with the present English picture in that regard?

A. Not too well acquainted, no. I know there was, as I said, when I was in England, which was quite a few years back. If you ask me the name of it, I couldn't tell you.

Q. I do not understand what you are talking about now.

A. An organization of supervisors.

Q. Do you know whether one still exists today?

A. I couldn't say.

722 Q. In other words, you do not know what the British experience has been in that regard?

A. Only what I knew prior to coming out here.

Q. I see.

Mr. Karasick: Very well, I have no further questions.

Mr. Nelson: Will you mark these Petitioner's Exhibits Numbers 31 and 32?

(The documents referred to were marked for identification as Petitioner's Exhibits Nos. 31 and 32.)

**Redirect Examination.**

Q. (By Mr. Nelson) I am showing you Petitioner's Exhibits 31 and 32, Mr. Grant—

Mr. Donovan: (Interposing) Pardon me, would you sus-

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pend for just a moment, Mr. Nelson? Mr. Dahling and I are conferring regarding cross examination.

Mr. Nelson: Oh, I am sorry. I did not mean to trespass.

Mr. Donovan: All right, Mr. Nelson, you may go ahead.

Q. (By Mr. Nelson) Mr. Grant, I am showing you Exhibit 31 and Exhibit 32, which are bound pamphlets, and ask if you recognize them as the publications of the supervisory organization in England you referred to, saying, in effect, I think, that you could not recall the name of it?

A. I couldn't, but I am quite sure—I am not quite sure this was the name, I knew of the existence of it, and  
723 this may be the name of it, I believe it is.

Q. Of the supervisory organization in England?

A. That's right, but I still couldn't be sure this was the particular one.

Q. This is A. S. S. E. T., as you will notice.

A. Yes, but when I was in England I knew about it and the only thing I could assume now is that they are still in existence.

Q. Whether these are their publications, you would not know, only that they appear to be?

A. That is right.

Mr. Nelson: I offer them in evidence as bearing on the experience in England in the same matters, supervisory organization.

Mr. Dahling: Of course, Mr. Examiner, the testimony is purely hearsay.

Trial Examiner Jaffee: Well, the short answer is that I see a pamphlet, or a couple of pamphlets in Mr. Donovan's hand; it consists of several pieces of paper on which there appears to be some printing. In other words, they have not been qualified, obviously. That is all we can say about it.

Mr. Donovan: I would be unable to register, other than a general objection, an objection to the receipt of evidence of this kind without examining the documents.

724 One of them is rather a lengthy one. The other contains a balance sheet, in very fine printing, and having 34 pages. It is headed, "Supervisory staffs and

*Testimony of Wilfred T. Grant*

engineering technicians, 25th annual report." It is a balance sheet for a calendar year. And the other is entitled, whatever it may be inside, "Rates of pay of railway supervisory staff."

How much relevancy they might have on examination to the mass production industry in the metropolitan area of Detroit, I would be unable to say without examining it. I would, likewise, be unable to say what relevancy, in particular, the other exhibit marked for identification, 32, would have, as it purports to cover engineering technicians, and whether it would have any application to our present situation of the consideration of the appropriateness of a collective bargaining unit of foremen in Packard's Plant, I would not know. But I do think, in the main, Mr. Trial Examiner, as a matter of fairness, that either of Petitioner's exhibits marked for identification numbers 31 and 32, may obviously contain general statements which might give rise to unfavorable inferences to the Employer involved here that I would be unable to measure without an examination of the pamphlets for some time. I think counsel has established through the witness' testimony that there was some sort of an organization that had to do with some kind of supervision

725 in England. If he wants to go further than that, I would certainly want, if the Examiner allows these pamphlets in evidence, then to go through each one and reserve our right to make any additional, appropriate objection.

Mr. Nelson: If my brother will undertake to diligently use his spare time, I will certainly lend him the pamphlets. I am sure they would be very informative.

I will not press the admission now, if he wants to examine them, but I do offer them.

Trial Examiner Jaffee: I must decline to accept them on the present state of the record. You may reoffer them later.

I point out to you that at the very least, you lack the basic testimony that these documents are genuine.

Mr. Nelson: I do not believe that is the issue raised. My brother is fair enough to admit that on their face, they

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impute genuineness, as being publications of the Association that they purport to be published by.

Trial Examiner Jaffee: I do not think he went quite that far.

Mr. Nelson: But he raises the issue of their relevancy and I obviously am unable to produce authenticating testimony as to the documents themselves. That is not in our power under war conditions.

Mr. Karasick: These documents refer, apparently, to some of the supervisory experiences in that country.

It was a type of inquiry that I made of this witness, because I thought the Board would want to have information of that type.

Trial Examiner Jaffee: I understand, but I cannot take a pamphlet just because it purports to be genuine. I have already ruled I am not going to take them on the present state of the record.

Mr. Nelson: I have offered the witness for cross examination.

Mr. Donovan: We have no further questions.

Mr. Nelson: Then this witness will be excused?

Trial Examiner Jaffee: That is right, the witness is excused.

(Witness excused.)

Mr. Nelson: May we have the noon recess at this time?

Trial Examiner Jaffee: No, let us go on for awhile. We have some time to make up.

**ROBERT F. TURNBULL,**

a witness called by and on behalf of the Petitioning Union, being duly sworn, was examined and testified as follows:

**Direct Examination.**

Q. (By Mr. Nelson) What is your full name?

A. Robert F. Turnbull.

727 Q. What is your address?

A. 21209 Sunset Avenue, VanDyke, Michigan.

Q. Were you born in this country?

*Testimony of Robert F. Turnbull*

A. I was born in London, England.

Q. Did you go to work over there, work in shops?

A. Yes.

Q. How early did you go to work?

A. At the age of fourteen and one-half years.

Q. In what kind of work?

A. I was apprentice to a watchmaker.

Q. And following that apprenticeship, first, how far and how long did you follow that apprenticeship?

A. I followed that for 18 months, then I ran away from it.

Q. So you did not finish that apprenticeship?

A. No.

Q. What did you do next?

A. I went to scientific instrument making.

Q. In a factory?

A. In a factory.

Q. In London?

A. In London.

Q. How long did you follow that?

A. Up until the age of 19.

Q. Did you enter an apprenticeship there?

723 A. Pardon me. Nineteen and one-half, I was with that company. Then I left there and went to another firm as a journeyman.

Q. Had you completed your apprenticeship?

A. Yes.

Q. You were a journeyman what?

A. Journeyman scientific instrument maker.

Mr. Donovan: I did not get that.

The Witness: Journeyman scientific instrument maker.

Q. (By Mr. Nelson) At what age?

A. At the age of nineteen years and six months. That was five years I have had in delicate work of that kind.

Q. And from then on you worked as a journeyman?

A. Yes.

Q. Instrument maker?

A. Yes.

Q. For how many years?

A. I stayed for two and a half years making range

*Testimony of Robert F. Turnbull*

finders, and from that I went to tool and gauge work on aircraft parts during the last war.

Q. For whom were you working in making these aircraft parts?

A. William Beardmore and Company, in Clydebank, Scotland.

Q. How long did you follow that work?

A. Up until 1922.

Q. Then what did you do?

729 A. I joined into the police force as a mechanic and I was a mechanic with the police force for six and a half years.

Q. Which police force?

A. The Royal Ulster Constabulary in Belfast.

Q. What were your duties there, what mechanical work did you do there?

A. Well, we had cars, both types of police cars for the whole of the north of Ireland and we had about forty mechanics there. Out of that forty, six of us were what we called first-class mechanics and the rest were second-class mechanics. I happened to pass the test as a first-class mechanic and I had to work on the building and repairing of automobiles in all phases of the mechanics and—not the body parts so much, but engines, transmissions, differentials, rear ends, anything in that line of repair work from tearing the job down to rebuilding the job completely.

Q. You say you worked six years at that?

A. Six and a half years, about.

Q. And what did you next do?

A. I came to Canada from the City of Belfast.

Q. In what year?

A. 1926.

Q. And the month?

730 A. February.

Q. Did you stay in Canada?

A. Yes.

Q. For how long?

A. Roughly, two and a half years.

Q. Then what did you do?



*Testimony of Robert F. Turnbull*

A. I worked for the Ford Motor Company, in the transmission department as a machinist.

Q. And at the end of that two and a half years, what did you do?

A. I came over to the United States.

Q. In what year and what month?

A. November, 1928.

Q. What did you do when you arrived here?

A. Well, I went through, first to New York, and I worked at the American Machine Company in New York for about four or five months.

Q. That is New York City, I presume?

A. Yes.

Q. Doing what?

A. I was a milling hand. I was running a milling machine there and making parts, I think, if I remember right, they were cigarette machines and we made the parts.

Q. After those few months in New York, what did you do?

A. I came back to Detroit.

731 Q. That would bring you back to Detroit in what month and year, if you can recall?

A. Around about February, 1925.

Q. Did you secure employment here?

A. Yes.

Q. Where?

A. I went to the Hudson Motor Car Company.

Q. How long did you work for the Hudson Company?

A. Until the Fall in that year, I think around September, 1929.

Q. In the mechanical line?

A. Yes.

Q. Where did you go then?

A. To the Packard Motor Company.

Q. In what month and what year?

A. As near as I can remember, it was around September, 1929.

Q. That was your first employment by Packard?

A. Yes.

Q. In what line did you hire out to Packard?

*Testimony of Robert F. Turnbull*

A. As a lathe operator on a P. and J. operator, to be exact; that's a semi-automatic lathe.

Q. And making what part?

A. If I remember right, they were hubs for the rear wheels.

732 Q. Did you stay at Packard's for some time?

A. Not very long. I got laid off.

Q. Where did you go from there?

A. Well, I didn't work for quite awhile. I just had to do what I could for a living, it was difficult because I didn't have citizenship papers and it was difficult to get a job and I didn't feel justified in going around when I wasn't a citizen and getting a job in the series, so I just had to get along until 1935 when I was made a citizen.

Q. Now, did you go back to Packard from time to time?

A. No, I went back to Hudson's, though, two or three times and got some work and I got some work at the Federal Screw and worked there on automatic machines for awhile.

Q. That is mechanical work?

A. Yes.

Q. Did you finally come back to Packard?

A. Yes.

Q. In what month and year?

A. It was around December, 1934 or January, 1935, just around that time.

Q. What line of work?

A. I came back exactly as I had been before, as a P. and J. operator.

Q. That is a machine?

733 A. Potter and Johnson machine.

Q. Have you been there ever since?

A. Yes.

Q. Approximately since January, 1935?

A. Yes, I have ten years seniority, as far as seniority is concerned, with the plant now.

Q. Did you follow that line of work on the P. and J. machine for some time at Packard's?

A. Yes.

Q. For how long?

*Testimony of Robert F. Turnbull*

A. Oh, about, I suppose, about nine months.

Q. Then what did you do?

A. Then I changed to a different named machine, but practically the same type.

Q. And following that, how long?

A. Oh, way through to, let me see, around until about 1939.

Q. A period of approximately four years on that machine?

A. Yes.

Q. And in 1939, what change, if any, took place?

A. Then I got a job on the repair squad tearing down and rebuilding transmissions that had been out in the field.

Q. And were brought back into the factory?

A. Yes.

Q. How long did you follow that work?

734 A. Until May, 1940, about, oh, I suppose a year or so.

Q. What took place then?

A. Then I got transferred to the aircraft division.

Q. What part of the aircraft work?

A. To the engine assembly department.

Q. And you were still an hourly rated production worker?

A. Yes.

Q. How long did you follow that?

A. Well—

Q. (Interposing) This is on Packard's work, of course?

A. Yes. I started there with the first engine, practically, and then we transferred from the small department to the big department, F. F., and I went over to that department and worked on what was known as the super charger and the wheel case jobs and gear case, and at that time there were only a few men there. Of course, we were just getting ready for the production job, and as the men came in, what little I knew, I showed them and we trained them and I became a leader. Later on—

Q. (Interposing) When did you become a leader?

A. Somewhere—I'm not quite sure when I became a leader, Mr. Nelson, it was somewhere about July, 1941.

*Testimony of Robert F. Turnbull*

Q. All right, and that is engine assembly, is that right?

A. Yes, engine assembly.

Q. How long did you continue as a leader?

735 A. Oh, about a year.

Q. Then what took place?

A. Then I became an assistant foreman.

Q. In the same department or division?

A. Yes.

Q. Can you give us the month and year when you became an assistant foreman, approximately?

A. May, 1942.

Q. Have you continued as a foreman of some rank at the Packard Plant ever since?

A. Yes.

Q. How many men did you have under you to start with?

A. When I first took an assistant foreman's job I had, oh, I suppose about 40 men. I had two different assembly lines to look out for. One was the cam shop assembly and the other was the super charger.

Q. That is still engine assembly?

A. Yes.

Q. How long did you continue as an assistant foreman?

A. For about nine months.

Q. And until what time?

A. Until March, 1943.

Q. Then what?

A. Then I was promoted to a foreman.

Q. In the same line, same assembly?

736 A. Yes.

Q. How many men have you under you—how many men had you under you then?

A. About 200, I suppose.

Q. And how many assistant foremen?

A. Just one assistant foreman at that time.

Q. Has that number increased since that time?

A. I got another promotion after that.

Q. Oh, into what?

A. In March, 1944, I was promoted to general foreman.

*Testimony of Robert F. Turnbull*

Q. How many departments do you have supervision of as general foreman?

A. I have one large department called F. F. A., and one small department. There is 32 men in that department.

Q. In the large one, how many men?

A. Somewhere in the neighborhood of 335 people. It was as high as 575 until a wee while ago.

Q. You have had as many as 575 men under your supervision?

A. Yes.

Q. What is the small department?

A. The small department makes up all the lines and spray paints the connections on the end and one or two other small parts that are added to the engine.

Q. Are all of the 575 people in the larger department, in the engine assembly?

737 A. Yes.

Q. That is still your work?

A. Yes.

Q. How long have you been a general foreman?

A. Since March, of this year, the 18th of March, 1944.

Q. You are acting in that capacity when you are in the factory at the present time?

A. Yes.

Q. When you were a production worker, were you a member of any labor organization?

A. Yes.

Q. What?

A. Do you want it from the start?

Q. Yes, go right back and tell us what unions you have been a member of.

A. A member of the scientific instrument makers union — that's Scientific Union Maker's Society.

Mr. Karasick: Just a moment. Mr. Examiner, I would like to object at this time to going into the details as to the unions this man has belonged to since he was first employed. If Mr. Nelson wants to know what unions he has been a member of since he went to Packard's, that is all right.

Mr. Donovan: Well, I think counsel is entitled to go into the witness' background.

*Testimony of Robert F. Turnbull*

**738** Trial Examiner Jaffee: He can probably give one or two names a lot faster than we can listen to objections. There are other things I am rather concerned about, but this does not happen to be one of them.

Mr. Karasick: Very well, I have made my objection; it was overruled.

• Trial Examiner Jaffee: Go ahead.

The Witness: As I said, I was a member of the Scientific Instrument Maker's Society. Later they amalgamated with the Amalgamated Engineering Union.

Mr. Donovan: Can you give us the approximate dates?

The Witness: That would be somewhere, as near as I can remember, around 1917, when that amalgamation took place and it became the Amalgamated Engineering Union, and they took over various branches of that line of work.

Q. (By Mr. Nelson) Will you tell us whether that union of workers included their supervision?

A. I don't remember an awful lot about it. My father went on supervision and I know he has a pension from that same union at the present date. They had kind of an annuity attached to it and when they leave and get on supervision they carry on their annuity.

Q. But whether he was a member, you do not know?

A. Oh, yes, he has an annuity from it at present.

Q. As a supervisor, he remained a member of it as a worker?

**739** A. Yes.

A. Yes.

Q. That is an English experience?

A. Yes.

Q. All right, go ahead.

A. When I was in Hudson's and the UAW first formed, I joined that back in around 1929, I think that would be, that was before it became the UAW-CIO. I think that was the UAW-AFL in those days.

Mr. Donovan: You say in 1929?

Mr. Nelson: That is right, it was the UAW-AFL.

Q. (By Mr. Nelson): Go ahead, Mr. Turnbull.

A. Then when I came to Packard's and the organization started for the UAW, I joined that and I remained a member of that until I requested, or was given a withdrawal card upon becoming an assistant foreman.



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Q. Are you presently a member of the Foreman's Association?

A. Oh, yes, I am secretary-treasurer of Packard Chapter Number 5, and a National Board Member of the Executive Board as well.

Q. And you became a member of the Foreman's Association when?

A. In 1942, October.

Q. And you have continued to be a member ever since?

A. Yes.

740. Q. Were you one of the early members?

A. Yes, I was not at the first meeting, but I was at the second and I joined before I was at the second meeting.

Q. And you have continued as a member ever since?

A. Oh, yes.

Q. Mr. Turnbull, at the Packard Plant as a foreman of any rank that you have had experience with, do you have the power to hire a workman under you?

A. No.

Q. At any time since you have been there?

A. No.

Q. Do you have the power to fire one?

A. No.

Q. Do you have the power to make a recommendation as to the hiring or firing?

A. No.

Q. You do not?

A. Oh, I misunderstood you. Yes, I do.

Q. All right, and to whom do you make that?

A. Well, on the hiring, not any special individual. It would be a case if more help was needed, then I would write a requisition and hand it to the superintendent, of course, and discuss it with him beforehand as to the advisability of it. I would put in a requisition and sign it and the superintendent would also sign it and then we  
741 would leave it for the division manager to sign as well.

Q. And who would determine whether you would hire the employee specified?

A. A certain person, you mean?

*Testimony of Robert F. Turnbull*

Q. No, not any certain person, but a certain person to do a certain job?

A. Yes, well, the superintendent, I would have to have him okay it before I would write the requisition.

Q. Is that true also of hiring or discharging?

A. Yes.

Q. Now, about the matter of discipline, do you have any authority in the matter of discipline over the men under you, speaking of production workers?

A. Well, yes, I have a certain amount of authority.

Q. How far does it extend?

A. I can settle a grievance if it is just an ordinary small grievance. Many come up that we are able to settle very easily. But if it becomes of any size, it goes to Labor Relations.

Trial Examiner Jaffee: Before we recess, I want to say that yesterday when Mr. Traen was on the stand, near the close of his testimony, I asked him two or three questions. I wanted to preface my questions with a few remarks.

On page 572 of the record there appears this question asked by Mr. Dahling:

742 "Q. Which is the greater, Mr. Traen, your loyalty to the Union or the Company?"

Mr. Nelson objected to the question and the objection was sustained. I intended to say yesterday, and I say now, that ruling was based on two grounds, the less important of the two being the fact that the question assumes a fact which the witness had not previously adopted. More important of the two, however, is the fact that the question is so broad in and of itself, that I do not see how any fact finder could treat any question or, rather, any answer given thereto other than in a vacuum. That was the basis for the ruling when the ruling was made.

If my present observation suggests to counsel any questions that they wish to ask Mr. Traen, Mr. Traen can be recalled for that purpose. I assume that Mr. Traen will be here at the opening of the afternoon session, is that right?

Mr. Nelson: We will see that he is, Mr. Examiner.

Trial Examiner Jaffee: Very well, we will recess at this time until two o'clock this afternoon.

*Testimony of Robert F. Turnbull*

(Whereupon, at 1:00 o'clock p. m., the hearing in the above entitled matter was recessed until 2:00 o'clock P. M.)

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After Recess.

(Whereupon the hearing was resumed, pursuant to the recess, at 2 o'clock p. m.)

Trial Examiner Jaffee: Gentlemen, are we ready to proceed?

Mr. Donovan: Mr. Dahling was delayed a little but he requested that we not delay the hearing.

Trial Examiner Jaffee: Before we start with further questioning, however, I should like to make one or two preliminary observations.

I think I indicated at pages 462-3 of the record that I had some concern at the pace with which this hearing was moving. We have obviously going rather slowly. I suggested that the place in the records I have referred to one possible method of shortening the hearing, mainly stipulations as to facts, particularly facts concerning which I anticipate there probably is not much dispute. I want to supplement that by suggesting further possibilities. I am sure there have been received in evidence certain matters concerning which the Board could well have taken official notice. The principle of official notice, like the principle of judicial notice, in the law, is one I have always felt could be used more than it is used. I think you gentlemen may safely assume that the Board is possessed of a reasonable amount of intelligence and once you have indicated

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that the figures to be added are two and two you need not go further and put in evidence that the answer is four. We can do that just as well and do it without the necessity of having some witness spell it out. I suggest further that you bear in mind, at least in some instances that it probably is just as well to leave certain matters to develop either in oral argument or in briefs. There is one principle that is applicable in these hearings which is also applicable at law and it is this: Certain matters may be relevant and are, of course, relevancy is the main point. But, we also have to bear in mind that there

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is a limit to the length of human life and there is an area wherein courts have said that although evidence is relevant, the degree of that relevancy—if a particular situation may be such that when the amount of time is necessary to receive it is considered—it just is not worth spending that time.

Now, if you gentlemen will apply the things I have said if, in other words, you stipulate to such extent as you can stipulate, if you will operate on the principle that certain matters may be considered on facts on the theory of official notice, you will assume further that the Board can add two and two and leave certain matters for briefs or oral argument and if you will take all these things into consideration, I am sure some of the things we have been

745 spending time on, we will not have to spend any time on at all or we can spend less time upon them. I do

not make these remarks by way of criticism of any party at all. I realize the case is an important one and I realize further the tendency of counsel, whose primary duty is, of course, to their respective clients, to do the best they personally know how and as they themselves see their own case. I ask you gentlemen to bear the considerations I have referred to in mind and endeavor, so far as you can, to shorten the hearing as much as possible. I do not like it, as Trial Examiner, to interfere with your own presentation of your cases. I assume that I can, within my function as Trial Examiner, to a degree, be a bit more strict than I have been. I am inclined to think at the moment. I have not been as strict as I should be. I hope that I can continue to be fairly liberal but unless the pace does speed up, I will either have to lengthen the hearing somewhat or cut down a bit at some point where I think we are going into matters which, if not speculative, are at least quite remote. You may proceed.

*Testimony of Robert F. Turnbull*

**ROBERT F. TURNBULL**

resumed the stand, was examined and testified further as follows:

**Direct Examination (Continued).**

746 Q. (By Mr. Nelson) Mr. Turnbull, I asked you just before the recess about the matter of discipline and I would like to know just how far you can go as a general foreman.

A. When there are small matters that can be settled in the plant, small grievances where a man is perhaps dissatisfied with his position under a certain operation, or where a man figures perhaps his health does not permit him to do that operation and small matters like that we can change the man around and accommodate them and satisfy them.

Q. That refers to transfers?

A. From one part to another part and small grievances of that type.

Q. Can you transfer from one department to another?

A. Oh, no.

Q. Does that apply both to general foremen, foremen, and assistant foremen?

A. Yes.

Q. It applies to all three ranks?

A. Yes.

Q. Do you fix the pay of either the supervisory or hourly rated employees under your supervision?

A. No.

Q. What can you do in that connection, if anything?

A. Nothing.

747 Q. Can you recommend?

A. You can recommend a change of classification; if a man is working on a job out of a classification you must put him on his correct classification for the job.

Q. The pay itself you cannot even recommend?

A. No.

Q. As to promotion. What is the extent of your power? Can you promote a man, either in a supervisory capacity or hourly rated capacity under your supervision?

*Testimony of Robert F. Turnbull*

A. You can promote a man to a utility man or a leader provided ~~it~~ is agreed to by your superintendent.

Q. It has to be agreed to by him?

A. Yes.

Q. In writing?

A. Yes.

Q. You have to get permission to put those people on.  
Mr. Donovan: Just a minute. Your question coupled with the previous similar questions are a little ambiguous. In one place you say "Can you promote" and then "Can you recommend." Which was the witness answering to when asked about promotions? Whether he can make the promotions or originate a recommendation?

Q. (By Mr. Nelson) Can you promote? Have you the power or the assistant foreman, or the general foreman or the foreman?

**748** A. No.

Q. Can you recommend promotions?

A. Yes.

Q. To whom do you recommend?

A. The superintendent.

Q. And that applies to all of these ranks of foremen?

A. Yes, sir.

Q. Now, the allowance of days off? First, is that covered by a rule if the days are few?

A. A company rule.

Q. And how many days without some formal action?

A. There is a Company rule that they can have three days absent without any permission or anything.

Q. Now, after that, has the general foreman any power to allow more time?

A. He can grant up to fourteen days leave of absence.

Q. Can the foreman or the assistant foreman grant the same thing?

A. Yes. The general rule is to ask from the superior whether the man can be spared off the job. You use your judgment, in other words.

Q. There is some discretion in that?

A. Yes.

Q. Getting beyond fourteen days, is there any discretion?



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A. No.

749 Q. Who has that power?

A. The personnel office.

Q. As to the matter of fixing vacations? That is, the time of vacations and the length of the vacations, who has any power in that respect?

A. Your division manager is the man in our place.

Q. Have you any power as general foreman, foreman, or assistant foreman?

A. No.

Mr. Donovan: Do I understand, Mr. Nelson, that the Petitioner contends that the foremen should have the power to fix vacations?

Mr. Nelson: We are not contending anything. We are showing the facts and not claiming one thing or another.

Mr. Donovan: Is it your theory that foremen should have that power?

Mr. Nelson: Foremen should be consulted certainly as to his own.

Mr. Donovan: You didn't prove that he was not consulted. You show that he does not have the power to fix vacations only.

The Witness: It is mutual, you might say, Mr. Nelson. The superintendent has told us that we have two weeks vacation and we try to work it out amongst the foremen themselves as to which is suitable. When they want to go and so on. We will not go six at one time. We will go two at a time or two in one week and two in another week and work it out between ourselves. That is acceptable to Management on that basis and we do have that much say in it.

750 Q. (By Mr. Nelson) As to sick leave, is that fixed by rule?

A. Yes.

Q. And you have no power as a foreman, assistant foreman, or general foreman, to change that?

A. No.

Q. This personnel office, have you any direct connection with that? Is that an office that you can go to?

A. Yes, we have just lately inaugurated a new system with the personnel office whereby there is an industrial

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relations man or personnel man put into each division and on any case that we have where there is an infringement of the rules, or some difficulty arises in the shop that man is there to discuss the situation with.

Q. Now, does that apply to both the hourly rated employees and the supervision?

A. Well, he is there.

Q. Does he have jurisdiction in both cases?

A. Yes.

Q. He does?

751 A. Yes.

Q. So you have access to the same man for supervision and hourly rated employees?

A. I don't quite understand that question.

Q. Does that divisional representative of the personnel office have jurisdiction of, we will say, a complaint or grievance of a foreman as well as an hourly rated employee?

A. Not the foremen, only the hourly rated employees.

Q. And that applies to foremen of all rank?

A. Yes, we have no place to go with a grievance, there are no provisions for foremen.

Mr. Donovan: You have no what?

The Witness: We have no place to go with a grievance for a foreman, Mr. Donovan.

Q. (By Mr. Nelson) Coming to the matter of grievances of the rank and file, this statement that you just made now covers that in its initial stages, is that correct, is that how you take it?

A. Yes.

Q. Do you take the rank and file men, the hourly rated employees with whom—with whom does he first take up any troubles?

A. First with the steward.

Q. His steward?

A. Yes.

752 Q. And then it comes to whom?

A. The steward and the foreman.

Q. Does that mean the assistant foreman, the foreman, or the general foreman?

A. With the foreman.

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Q. The foreman directly over him, the foreman nearest the man complaining?

A. Yes.

Q. From there, where does it go?

A. To the personnel man in the division, and the district steward for that district.

Trial Examiner Jaffee: I am not sure what the witness means by the word "foreman" as he last used it.

Mr. Nelson: I took it to mean foremen of all grades.

The Witness: Yes, where there is a foreman, you have a foreman and when there is an assistant foreman, with men working under him, the steward will deal with the assistant foreman if there is just the assistant foreman instead of a foreman. That is, the steward will discuss the case with the assistant foreman.

Q. (By Mr. Nelson) The assistant foreman?

A. Yes.

753 Q. Now, what power has that assistant foreman or foreman in that case? Can he dispose of the grievance?

A. If it is a very minor grievance, yes.

Q. And if not?

A. Well, if it is one of a Company policy where a certain penalty is to be imposed upon a person for doing a wrong, we have to impose the penalty and it has to be agreed upon by the steward. If the steward doesn't agree upon it, it comes to the personnel man.

Q. In case of a grievance by a foreman, is there any procedure recognized?

A. No.

Q. I would like to ask you, Mr. Turnbull, whether in your experience with the Packard Motor Company, you or any foreman of any rank participated in any way in the making of the policy of the Company with respect to its expenditures?

A. No.

Q. Or its purchases?

A. No.

Q. Of materials, machinery or equipment?

A. No.

Q. Or the financing of the Company?

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A. No.

Q. Or the scheduling of the work?

754 A. No.

Q. Or the relations of the Company to the business?

A. No.

Q. Or its relations with the Government, of any kind, local, state or federal?

A. No.

Q. I will ask you whether any foreman of any rank that you know of at the Packard Motor Company has any power to make a contract or agreement binding upon the Company?

A. No.

Q. Whether any foreman of any rank that you know of has taken any part in the bargaining with the maintenance or production or hourly rated workers?

A. No.

Q. Do you include in that the matter of inquiry and advice; that is, whether they have ever been asked about it? Do you know of any foreman that was ever asked about such a matter?

A. No.

Q. Were you ever asked about such a matter?

A. No.

Q. Is there ever any occasion in the experience you have had there when the foremen met with Management?

Mr. Donovan: Mr. Trial Examiner, I do not see the relevancy of this, because there is no secret about  
755 the fact that we have declined to collectively bargain with the foremen.

Mr. Nelson: That is not what I have in mind.

Trial Examiner Jaffee: No, I do not believe that is what he has in mind.

Mr. Nelson: I mean, do you make suggestions in the plant or out of the plant with representatives of Management of the Packard Motor Company as foremen?

The Witness: Well, yes.

Mr. Donovan: I object to that, because the word "representatives" is not defined, and that is an issue here.

Mr. Nelson: I withdraw that question then.

Trial Examiner Jaffee: I think the witness has not

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finished his last question. I believe he had said Yes but intended to say more. I will strike that answer for the time being.

Mr. Nelson: Very well.

Q. (By Mr. Nelson) Do you know of any representatives of Management at the Packard Motor Car Company?

A. I know them, yes.

Q. Who would you suggest, as, in your own mind, being a representative of Management?

A. Well, Mr. Weiss, sitting over there, and Mr. Denison.

Q. What offices do they hold?

756 A. I am not quite sure what offices they hold. Mr. Denison, I think, is in Mr. Ferry's office, the treasurer.

Q. And they are representatives of Management, as you understand them?

Mr. Donovan: Did he include the president?

Q. (By Mr. Nelson) Well, do you know the president?

A. Yes, I have met Mr. Christopher.

Q. As a foreman and on Company business?

Mr. Donovan: You are asking him as to socially now?

Mr. Nelson: I will ask him either way. Let him tell it.

A. Yes, I have met him as a foreman.

Q. (By Mr. Nelson) Did that involve policies of the Company?

A. No.

Q. What was it?

A. The last time I met Mr. Christopher was when we built the fifty thousandth aircraft engine and we had a small ceremony in the department when that engine was completed, and we had certain Navy and Army officials there and a little speech from some of them and I met Mr. Christopher at that time. In fact, I stood and spoke to him for a minute or two in company with the chief steward on my shift and the general foreman and chief steward on the opposite shift. We had our photographs taken with that engine.

757 Q. Was there anything in the nature of consultation or seeking advice of you, or anything of that nature?

A. Oh, no.

Q. Or any other foreman, that you know of?

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A. No.

Q. There are foremen's meetings, are there not?

A. Yes.

Q. Let me inquire whether in those meetings for instruction or talks by representatives of Management, whether all grades of foremen are at those meetings?

A. Yes.

Trial Examiner Jaffee: You mean, altogether?

Mr. Nelson: Yes, at the same time.

A. Yes, at the class I meet with there is assistant foremen, general foremen and superintendents.

Q. (By Mr. Nelson) All at the same time?

A. All mixed together.

Q. We have here a long list of subjects that have been talked about. Did you attend some of those meetings?

A. Yes.

Q. And you heard Mr. Dahling inquire of Mr. Traen about them?

A. Yes.

Q. Were you present at any of those meetings since  
758 you became a foreman?

A. Yes.

Q. Is it true that all grades of supervision were present at those meetings at the same time?

A. Yes.

Q. Now, does the general foreman on the present plan of operation at the Packard Company do any work, I mean manual work himself?

A. No.

Q. Does the foreman do any manual work?

A. No.

Q. Do the assistant foremen do any manual work?

A. No.

Q. Is there any foreman of any grade who does any manual work as a general proposition at Packard?

A. No.

Q. The highest man who does that is the leader, is he; that is, the highest in rank, speaking generally, of course?

A. Yes.

Q. Of course, I am leaving out the matter of some crisis or accident, or something of that kind.



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A. Yes.

Q. Does the foreman have any power in the matter of a layoff, that is, a temporary layoff?

A. No.

759 Q. Where does that go?

A. It comes to you from the—well, we get it through from the division manager.

Q. Does the division manager tell you what hourly rated employees to let go?

A. Yes.

Q. Does he also tell you what subordinate supervision to let go?

A. Yes.

Q. For how long, does he give you the period of time?

A. Well, if they go, they go, that's all.

Q. I see. Mr. Turnbull, as I understand it, your members of Chapter 5 of the Foreman's Association of America want a Packard Motor plantwide supervisory representation, is that right?

A. Yes, please.

Mr. Donovan: Might I have that last question and answer read?

Trial Examiner Jaffee: Will you read the question, please?

(Question and answer read.)

Mr. Donovan: I did not understand the question. May I have it repeated?

Trial Examiner Jaffee: In other words, they want a single unit at Packard's for supervisory employees.

760 Q. (By Mr. Nelson) As I understand it, you want to cover the general foremen, foremen and assistant foremen. Here is the word "assignment men", what does that mean?

A. Special assignment men.

Q. Special assignment men who are supervisors?

A. Yes.

Q. You have already indicated the general powers and limitations on the work of the general foreman in an affirmative way. What would you say were the duties and responsibilities of a general foreman at Packard's?

A. In my own instance, it is my duty to see that the

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amount of motors are built each day, according to the schedule set up by the Management.

Q. How many foremen do you have under you?

A. Six.

Q. What is their rank?

A. Foremen.

Q. What is your pay?

A. \$304.05 per month on a forty hour weekly basis.

Q. In fact, do you have some overtime?

A. Yes, at present we work ten hours a day and for those two hours we get time and a half pay.

Q. It averages currently, about how much a month?

A. I would say about \$500.00. I never did add it up.

Q. But somewhere around \$500.00 a month?

761 A. Yes.

Q. Now, the foremen?

A. The foremen have \$278.00 per month on a forty hour per week basis.

Q. And he has some overtime that brings that up to about what, currently?

A. Oh, I suppose it would run about 450 or 460.

Q. And what are his duties?

A. A foreman, as a rule, has a group of men in the department, this one group which may be a matter of anything from 25 men; some have as little as 25, some have as high as 100 men.

Q. Under his supervision?

A. Yes. It would be a part of the complete assembly; a feeder line of the assembly department.

Q. From whom does he take directions?

A. That's my job.

Q. From the general foreman?

A. Yes.

Q. To whom does he pass the instruction or direction on?

A. Well, to his leaders, or if he has an assistant foreman, he, of course, would notify his assistant foreman. At present, we have no assistant foreman.

Q. On your particular job?

A. That's right.

762 Q. Take these assistant foremen; what is their rate of pay, currently?

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A. I think it runs to \$242.00 a month, I think. Just around about 242 or 247 a month.

Q. With some overtime?

A. That's on a 40 hour basis and of course, he gets time and a half for those two hours overtime.

Q. And that brings him up to about what, per month?

A. I never did add it up. He would have about \$40.00 a month less than what the foreman would have.

Q. Now, the special assignment men, they are supervisory, are they not?

A. Yes.

Q. And they may be of any one of these ranks?

A. They are general foremen or generally foremen in that classification. I don't know of any assistant foremen on that classification.

Q. And they average just about as you described in these other classifications?

A. Yes, sir.

Q. Their duties, however, are supervisory, are they?

A. Yes.

Q. And there is a considerable number of them?

A. I don't know how many, I don't know how many there are in the plant, Mr. Nelson, offhand.

763 Q. Do you have in mind how many general foremen there are in the plant at present, approximately?

A. No.

Q. Or foremen?

A. Well, foremen, well, I would only be guessing.

Q. Or assistant foremen?

A. No, I couldn't tell you.

Q. Do you have in mind, approximately, how many persons in these four classifications performing supervisory duties there are in the whole plant? In other words, if you had them all, what is your possible total?

A. We had 868 on our books as of the date of our petition and I don't think there is any more than two or three that don't belong to the Foreman's Association.

Q. But, now, by "your books" you mean that they are members?

A. Yes.

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Q. And of the possible number that would be eligible to membership, you think there are only two or three?

A. Yes, very few in any event.

Q. Are all four grades of foremen described by you in your testimony just given salaries?

A. No, there are some hourly paid assistant foremen and I believe there are one or two hourly rated foremen, but the majority are salaried people?

764 Q. Within the figures that you have given, approximately?

A. Yes.

Q. Is there lately any arrangement for vacations for supervisors at Packard; that is, vacations with pay?

A. Yes.

Q. What is that arrangement?

A. Up to one year's service, they get two weeks vacation. I think there is a new schedule came out lately, I'm not quite sure whether they give more to anyone with any greater length of time, but it seems to me if they have only six months' service, they get one week's vacation. I may be wrong on that, though.

Q. Would that come out in writing, or did that come out in writing so that you had access to something in writing?

A. Yes, we got a query to that effect.

Q. Were the foremen consulted about it in any way?

A. No.

Q. Is there an arrangement as to sick leaves for the supervisory force in effect at present?

A. Yes, that came out at the same time.

Q. What is the nature of that?

A. One year's service, I think, you get 12 days; for two years, it is a little longer, and it goes up, I think, to about 31 days, it's according to the length of service. I'm not sure of the amounts.

765 Q. Is there any reliable arrangement with respect to the seniority of supervisors?

A. Oh, no.

Mr. Donovan: Just a minute, I will ask that that be stricken out on account of the use of the word "reliable."

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Trial Examiner Jaffee: The previous question may be stricken.

Q. (By Mr. Nelson) Is there any arrangement as to seniority for supervisors at Packard?

A. No.

Q. Is that one of the things you want?

A. Yes.

Q. Is there any arrangement with respect to promotions?

A. No.

Q. Or transfers?

A. No.

Q. Or discharge of supervisors?

A. No.

Q. What does a supervisor do, currently, at Packard's if he feels he is entitled to a raise in pay?

A. He will see his next superior.

Q. Is that all he can do?

A. Well, he can go to the one after that, the next one, if he doesn't get satisfaction there.

766 Q. That is, he can pass from one superior to another?

A. Yes, as an individual.

Q. As an individual?

A. Yes.

Q. Has any foreman representation or any assistance in that effort as it stands now?

A. No.

Q. If he has a grievance, what can he do about it other than pay?

A. Exactly the same thing. He has to go to his next superior and follow through from there.

Q. Has he any representation or assistance in that?

A. No.

Q. He stands on his own feet?

A. Yes.

Q. Now, do I understand correctly, when you have these supervisors' meetings or schools, that the Company provides a speaker?

A. Yes.

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Q. Who talks on a topic?

A. Yes.

Q. Is there any opportunity given the foremen to take part in the discussions or to raise any questions that might be on their mind?

A. Oh, yes.

767 Q. There is some?

A. Yes.

Q. To what extent?

A. Well, you can ask a question on whatever the discussion has been and the teacher, if possible, at all, will endeavor to answer.

Q. On the subject set?

A. Yes.

Q. Can you get outside of that and introduce subjects of interest to foremen?

A. No.

Q. Is there any place or person to whom the foreman may go other than what you told us on the specific items and in the manner you have described?

A. No.

Q. Mr. Turnbull, is there an insurance coverage of the hourly rated workers at Packard?

A. Yes.

Q. In addition, we will say, to the Workmen's Compensation?

A. Yes.

Q. Does the supervisory force benefit by that coverage?

A. Yes, exactly the same.

Q. It is shared with the maintenance and production workers just the same as though they were workers?

A. Yes.

768 Q. Are there bonuses or just overtime?

A. Just overtime.

Mr. Nelson: We offer the witness for cross-examination. While we are waiting for you, Mr. Dahling, I will ask the witness one more question.

Q. (By Mr. Nelson) Did you take part in the strike?

A. Yes.



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Q. I suppose you had in mind the objectives and purposes of it?

A. Yes.

Q. By the way, have you anybody close to you in the Armed Services?

A. Yes, I have two sons.

Mr. Donovan: I will ask that be excluded. Who hasn't anyone close to him in the Armed Services? Why should it be in the record here.

Mr. Nelson: He struck and he has two boys in the Service.

Mr. Donovan: Are you still proud you struck in spite of that?

The Witness: Yes.

Mr. Donovan: You are proud of it?

The Witness: Yes, my boys told me to do that and to stand by—

Mr. Donovan: (Interposing) And you would do it again tomorrow?

The Witness: Yes, my boys told me to fight for principles. That is what we are fighting for and it is nothing to be ashamed of.

Mr. Donovan: It is nothing to be ashamed of?

The Witness: No, it is nothing to be ashamed of and I am proud to fight for the things that my boys are fighting for and they told me to go on strike too.

**Cross-Examination.**

Q. (By Mr. Dahling) Mr. Turnbull, I believe you testified that you were one of the first to start in the aircraft division at Packard?.

A. Yes.

Q. About when was that division started?

A. That is in the aircraft assembly end, of course. The machine shop end went on a few months before that, I dare say, six months or more before that in the assembly end. I started in there in May, 1940, I think it was, to be exact.

Q. How many departments do you supervise?

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A. Two.

Q. Two departments?

A. Yes.

Q. Does that include a department that has to do with the main assembly line?

770 A. Yes.

Q. And also a feeder line?

A. Yes.

Q. How do these engines—and I assume they are Rolls Royce engines—come down the line? Are they attached to an overhead trolley?

A. There is a conveyor that comes along on the floor.

Q. Does that conveyor come along and your workers do something with that engine?

A. Yes.

Q. What do they do? What is their operation?

A. The engine will start at one end of the line with a crank case and have various operations and parts that are put on that crank case as it comes down the line, until it is completed and sent over to the test cells.

Q. It starts out just as a motor block, would you call it?

A. As a crank case.

Q. And then that crank case is completed as it goes down this line until it goes out as the completed crank case?

A. It will start as a crank case and as it feeds along, the crank shaft will be put in and then it comes down a bit further and the reduction gear is put on and then the cylinder blocks are put on and then it comes down further again and what we call the lower crank case pan or the lower pan is put on and then it will go a little

771 further and the wheel case is put on and then the super charger is put on and the crank shaft assemblies is put on a little further down the line and then the magnetos and oil pumps and the various adjustments are made and the after-cooler and the various parts until it comes around and is primed with oil and weighed for weight and inspected at that point again and then it is ready to be shipped to the test cells.

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Q. It comes off the line as a completed unit, as a Rolls Royce aircraft engine?

A. Yes.

Q. You said that one department of yours has something to do with the main assembly line. What parts do your workers place on this engine? What are their operations there?

A. I have the whole department, Mr. Dahling.

Q. You have that whole department?

A. Yes.

Q. Then the workers under you put into this engine or attach to this crank case these various things that you have just described?

A. Yes.

Q. Now, as a matter of fact, the operation is broken down into great details, isn't it?

A. Yes.

Q. And the workers would only have to do or know  
772 one or two of those details to accomplish their purpose on the line?

A. Yes.

Q. And that is the reason it is broken down into great detail, is it not?

A. Yes.

Q. So that you can take people who have had no particular experience in that sort of work and break them in in a hurry and they can do a good job?

A. Yes.

Q. Those men, in doing that job, are under your supervision?

A. Yes.

Q. And there are a number of men that you have on your line that have never done that type of work before?

A. Yes, that is right.

Q. And none of the men you have on the line could step up and take your job at the present time, could they?

A. Well, they did away with the King of England and they got another one pretty quick. No man is indispensable.

Q. That is a very pat answer, Mr. Turnbull, but it is

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not an answer to my question. Do you really think any of these workers working on the line on one or two of these operations could take your job?

A. Well, they would have to be trained for it, that  
**773** is the answer.

Q. They would have to be the right type of person also?

A. Yes.

Q. To be a foreman, you have to have more than just mechanical training, don't you?

A. Yes.

Q. You have to have a certain amount of leadership?

A. Yes.

Q. And you have to be able to get along with your men?

A. Yes.

Q. That is true, isn't it?

A. Yes.

Q. And you have to have a lot of sound judgment?

A. Yes.

Q. And good common sense?

A. Yes.

Trial Examiner Jaffee: Whereas, to be a king you just have to be born right.

Mr. Dahling: I think that is true.

Q. (By Mr. Dahling) Of course you have to be able to demonstrate to the people working on the line the work they have to do.

A. Yes.

Q. And you have to interpret and follow out the directions of your next rank of management, do you not?

**774** A. Yes.

Q. By the way, who is your next immediate superior?

A. Mr. Al Kline, superintendent.

Q. What are his duties there, Mr. Turnbull?

A. Well, he has to watch that everything runs in order, that we get the parts, and he has to watch the stock division end of it that the parts are flowing in right. He has to be consulted on many a case where there is perhaps difficulty in assembling parts, such as if a part may come in

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does not quite fit. We have to find out why and he will contact another division or discuss it with the inspection department and, of course, on various things I have to discuss with him as to the operating of the division.

Q. And he supervises—he is your supervisor, would you say?

A. Yes.

Q. And, generally, he supervises the department that you operate?

A. He has FF Department, FMA Department and the FSB Department. He has three departments that he supervises, that is the stock division end, and the assembly department and the FME Department, three departments.

Q. And he would have a right, would he not, to recommend your advancement?

A. Yes, he would recommend it to the division manager.

775 Q. And he could also have a right, if he felt you were not doing the job properly, to recommend your replacement, wouldn't he?

A. Yes.

Q. Now, you, as general foreman, would have a right to recommend the promotion of a foreman under you, wouldn't you?

A. Well, I could talk to the superintendent about it, yes.

Q. You have a right to tell the superintendent that so-and-so, you feel, should be given a better job.

A. Yes.

Q. And if you felt that you would make that recommendation, wouldn't you?

A. A verbal recommendation to him, yes.

Q. And you might recommend that an assistant foreman be made a foreman?

A. Yes.

Q. Now, if it came to you—if you had a part that came to you that was not a proper part, who would report that to your department? If the part that came in was not a proper part, how would you hear about that?

A. Well, the foreman on the line, whatever group he was in charge of, if he got a part like that, he would either call

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the inspection end of it or he might tell me and I would see the inspection department about it.

776 Q. And if you could not work it out, you might go up to the superintendent and take it up with him, I presume?

A. I would keep him informed at all times about any difficulties like that in the department.

Q. And, in turn, the superintendent is supervised by whom?

A. The division manager.

Q. And the division manager would be supervisor of a number of departments?

A. Yes.

Q. And I suppose he would function with the superintendent about the same way you do, only on a broader scope, isn't that true?

A. Yes, I imagine so.

Q. And he might have more than one superintendent reporting directly to him, I suppose?

A. Oh, yes.

Q. And those superintendents would just carry their reports up to him which would include your report to your superintendent?

A. Yes.

Q. And he would have general supervisory powers over the superintendents and over his whole division?

A. Yes.

Q. In other words, when you get back to your superintendent, he goes to his division manager to get certain approvals, doesn't he?

777

A. Yes.

Q. Just the same as you go to, as you say, to the superintendent, for approval?

A. Yes.

Q. And as your foremen come to you for approvals?

A. Yes.

Q. Now, if your superintendent wanted to recommend a raise in pay to you, who would he recommend that to?

A. I didn't quite understand that. If he wants to recommend a raise in pay to me?



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Q. For you.

A. Oh, for me.

Q. Yes.

A. He would have to see the division manager.

Q. Just the same as if you wanted to recommend the raise in pay of a foreman or of one of your foremen, you would take it up with the superintendent, isn't that true?

A. I suppose I would, but it would be useless under the setup we have now. There is so little difference between the pay now that if I raised the foreman, he would have as much as me right away.

Q. Let's assume that you were raised and you thought the foreman should be raised under you, you would make that recommendation to your superintendent, wouldn't you?

778 A. I don't know that I would even try to, now, Mr. Dahling. What's the use of trying to get a raise?

Q. Let's not waste time on that. Let's put it more generally than that. On things that you have the just power to recommend, you recommend and make your recommendation to your superintendent?

A. Yes, I think my superintendent would think I was stupid if I made such a recommendation. I wouldn't make one.

Q. We are getting away from the one point now. You have certain powers under which you can make certain recommendations?

A. I never heard of anyone going up to the superintendent to raise any foreman up. He would give it to me fine for it.

Q. I thought we passed by the question of raising foremen. Let's say that you decided that the line could operate more efficiently if certain changes were made. What would you do after you had arrived at that conclusion?

A. Well, I would discuss that with the superintendent.

Q. And if the superintendent on the other hand, decided that it would be more efficient in the manufacture to cut out one of the feeder lines, who would he discuss that with?

A. Well, he would have to discuss that with the Divi-

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sion manager and the processing department end of that.

779 Q. If a foreman had some recommendation to make with respect to the operation of the line, would he discuss that with you?

A. Yes.

Q. Now, just to get a more or less complete picture, let's take a usual ordinary shift. What shift do you work, by the way?

A. On the afternoon shift.

Q. That shift is between what hours?

A. Seven-thirty at night until six in the morning.

Q. You go on the shift, we will say, at seven-thirty; after you arrive at your particular designation, what do you do?

A. I report to the superintendent first.

Q. Why do you report to the superintendent?

A. Because as a general rule, the division manager leaves a note on any part or anything that is of interest that we should know, such as a need for service parts or certain items and he leaves word for the superintendent to see those parts are gotten. I have to report there to get my orders.

Q. You report to the superintendent and get your orders. What do you do next?

A. Then I go and I check to see whether the day shift general foreman has left a note. We leave notes for one another when we quit work, telling each other of any  
780 difficulties we have encountered, and advising each other what to overcome and what changes to make.

The two shifts try to work hand in glove as much as possible. We try to stop a shortage of stock and if a part has given us trouble; we try to leave notes to each other if we have any trouble with stock or parts or anything of that nature so we know how to start out.

Q. Do you change clothes when you go to work?

A. No.

Q. You wear ordinary street clothes?

A. Yes.

Q. You go to an office?

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A. Yes.

Q. You have an office?

A. Yes.

Q. Do you have anyone in the office with you?

A. Well, there is a timekeeper end of it there. They have a girl in there. She takes care of looking after the time and she types any queries that I might need typed up or anything like that and the foremen also use that office if they have any queries to write up. Any of us use that one office.

Q. That is considered the office of the general foreman?

A. There is no designation as such on it. That is the one we have used. I don't know that it has a  
781 special office that I can call my own.

Q. Well, we will say you arrived at your office after reporting to your superintendent and you have received your orders and seen the note from the general foreman on the shift preceding you. After that, what do you do?

A. Well, the first thing I do is to walk out on the floor and check each sub-assembly line to know how they stand for manpower and attendance. Absenteeism, as you all know, is quite a problem. We have to find out how we are placed for men. We have so many absent on one sub-assembly and we may have to find people from one end or another to balance up the labor-load so that we will be able to get out production at all points.

Q. You have to see if you have sufficient manpower to run the assembly lines?

A. Yes.

Q. And if you haven't sufficient manpower, what do you do?

A. We have still got to get production out. We have to scrape from here and there to get whatever we can and manipulate our manpower accordingly. We may leave the man on one job for half a night and move him or transfer him to another to maintain our production off that line. We struggle to get production, in other words.

Q. At this time it is very important to get out the production?

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782 A. Yes.

Q. And you use your best judgment in distributing your men around your department to produce the engines that should be produced?

A. Yes.

Q. I presume you have in mind also the capabilities of these men and select them with that in mind?

A. You do not have much choice nowadays.

Q. You select the best you can although he would not be as good as you would like him to be?

A. You cannot move them around the shop as you want. You have to move the men by seniority on that basis. You have a steward to contend with.

Q. You mean that if you move a man temporarily for one hour or two you have to get the consent of the Union for that?

A. Yes, you have to speak to the steward, because the man can refuse to go.

Q. You mean you cannot move him for only one hour?

A. You must consult with the steward before you make a move for any extent.

Q. Don't you mean you cannot reclassify the man without consulting the Union?

A. No.

Q. You cannot move him from one job to another  
783 job without consulting the steward?

A. You discuss that with him.

Q. And if you cannot move him and do not have sufficient manpower to get the production, the production will fall down, will it not?

A. We do not have that trouble usually. The steward I have is a level-headed fellow and we get quite a bit of cooperation from the steward. In other words, they cooperate with us and they are level-headed about things like that.

Q. That is another attribute for a foreman, a foreman must have the ability to get along with people.

A. Yes.

Q. And he must be even-tempered and not lose his temper.

A. Yes.

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Q. You have now gotten to the point where you have checked up to find out if you have sufficient men and you arrange them in your department to produce the engines that the schedule says you should produce. What do you do next?

A. The next thing, I will inquire from the foreman as to any shortages on the floor. Maybe one sub-assembly is rather tight on a certain part. I check on that and see that everything is in order for the flow of materials to that sub-assembly line and then I have to check with the stock division again to see that those parts are  
784 coming in and I make sure the parts are coming right and do not tie up the feeder line.

Q. And if you find they are not coming through properly,—and if you find that they are coming in properly and you have made your arrangements, then what do you do next?

A. Any difficulties that have been encountered by the day shift,—well, I will take that note and check the operation and notify the foremen there that they have had trouble with that on the day shift and that he is to watch out for it on the night and let me know if there is any difficulty there.

Q. And if he does run into difficulty and notifies you?

A. Well then, I will call a special assignment man and perhaps by this time the inspection is on the job and if possible, I will get the special assignment man to check up on the various parts with the different divisions where the parts are made and get the mistakes rectified and as quickly as possible. I might even call on the phone the foreman in the department where the part is made and tell him about it so he does not get any more scrap parts or anything like that coming through and I might let him know what the difficulty is that we are having.

Q. It is quite important that the parts as they come through be exact as to specifications?

A. Yes.

785 Q. And it is very important that the engine be properly assembled?

A. Yes.

Q. If they are not properly assembled it may result in serious air crashes?

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A. Yes.

Q. When you complete that job, what do you go to next?

A. By this time you have an hour pretty well over and you check the hour's production which comes through. There are certain amounts that have to come through every hour and a report is taken every hour from the main line as to the number of engines that have been finished in the first hour and all the operations in that line and the number of parts assembled in each hour as it comes down through the night.

Q. And you check that once each hour, you say, to see you are keeping up with production?

A. Yes.

Q. And if you find your production is lagging, what do you do?

A. Then you go and find out why immediately.

Q. And that is a matter that is up to you to correct as foreman?

A. Yes, and not only correct it, but report the reason why to my superintendent immediately.

786 Q. And what if there is a breakdown on the line? What do you do?

A. All you can do if there is a breakdown on the line is to call the maintenance department and have them come and fix it and you also report that to the superintendent immediately.

Q. Well, we will say that you have checked production and you find the production going through properly. What other duties then do you have?

A. Well, you have various things that come up. You may have to discuss a situation that a steward brings to you with regard to some point or other.

Q. You mean, some grievance that might come up?

A. It may be a grievance or it may be a matter of transferring a man from the day shift to the night shift, or some discussion along that line, and you discuss that with him, and things like that.

Q. You discuss it with him and if you decide it is all right to transfer the man, what do you do then?

A. If a man has seniority to change from one shift to



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another, you have no alternative but to agree to that, and the steward tells you to make up a query and you just leave that for the day shift to arrange that transfer, after making up that query.

Q. So you pass on this question of seniority  
787 check-up, and see if it is all right and if it is in accordance with the contract you okay it and if you feel it is not, you will not okay it?

A. You can't okay it unless the seniority is okayed for it.

Q. Yes. What other matters might come up between you and the steward on the shift?

A. Well, you may have, for instance, he might think that some man is entitled to be moved from one job to another and he will come and ask you about it. Well, you see, if this man is to be moved from one classification to another, or anything along that line, you can discuss that with him and come to an agreement on it. If he isn't in line with his seniority, you can't go ahead with it.

Q. And that is the end of it, then?

A. Yes.

Q. I suppose at times you and the steward might not agree?

A. Oh, yes.

Q. After discussing it with him, he might be able to convince you he was right, I suppose?

A. Yes.

Q. And you exercise your judgment in that matter and if you think what he asks is in accordance with the Union contract, you go along?

788 A. That's right.

Q. Are there any other matters the steward might raise during a shift?

A. Well, it just depends. For instance, last night I had one discussion about the fact that I hadn't enough men to do a certain job—it was just a small job. We have solvent in tanks for parts to be washed in, and I didn't have enough janitors or parts washers and I ran into a little difficulty with the steward and we had to get together on that. He complained about the men complaining about emptying these tanks themselves.

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Q. But you came to an agreement with him?

A. Yes.

Q. How did you solve that difficulty?

A. He said I should get more janitors in that department and I said that I had requisitioned four more janitors for over a week ago and they sent me women and women can't do that job. I said that in the meantime I thought the men should cooperate with me and keep the job running.

Q. And you finally convinced him that they should work along with you to keep those engines going along the line?

A. Yes.

Q. Have you any other examples in mind?

A. Well, there is various ones come up right along.

789 Sometimes you will get a man that complains about his job, complains that the job is too heavy for him, that he has some difficulty. Maybe a man has a rupture and he is on a job that is a little too heavy for him and the steward will get us together and between us we will probably try to put the man on a job that is agreeable to him, more agreeable to him.

Q. I presume you might also decide that the man might have to be sent to the hospital?

A. Well, if it was a case where he was complaining of a pain, I would certainly advise him to get it attended to.

Q. You would have to, of course, decide in certain cases whether the man was just malingering or whether he would need hospital attention?

A. Well, I wouldn't have anything to do with that.

Q. If you thought a man was complaining simply because he was lazy or was nursing a hangover, what would you do about that?

A. Well, there's not much you can do about that now-a-days.

Q. There is no answer to that now-a-days, Mr. Turnbull?

A. No.

Q. Well, in ordinary times, what would you do in a case like that?

A. Well, in ordinary days if a man has to work for a living, he works. Now it is different.

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790 Q. That, today, though, causes you quite a bit of trouble, keeping your line going because the situation is a little different today?

A. Yes.

Q. You would say these times are quite unusual?

A. Yes.

Q. It requires a foreman to have a lot of common sense and a very broad viewpoint, does it not?

A. Well, a lot of patience.

Q. A lot of patience, that is right. A foreman these days would have to have a great deal of that in order to do his job, would he not?

A. Yes.

Q. Have you any other discussion on the stewards on the shifts we are talking about?

A. On grievances, I am able to settle or those I am not able to settle?

Q. What happens on those grievances you are able to settle?

A. If I am not able to settle a grievance by a little discussion with him, he writes up that grievance on a special form and he submits that to his district steward. His district steward, in turn, will tell the personnel or industrial relations in the division and then I would get called in front of them for an explanation as to why I couldn't settle it and the case would be discussed.

791 Q. And you would be called in and appear and give your views of the matter and the facts and there would be a discussion and some settlement would be arrived at?

A. Yes, they would settle it some way.

Q. I suppose also, that if you found that some of the foremen or some of the men in your department were not doing their work properly, you would attempt to instruct them or see that they were instructed?

A. Oh, yes.

Q. And if the foreman should report to you that he did not think one of the men on the line was capable of doing the job, you would investigate the matter and discuss it, would you?

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A. I would investigate it and discuss it with the chief steward.

Q. If you arrived at the conclusion that this man should be given a little more time to see if he could not snap into the job, why, you would keep him on the line, would you not?

A. As I said, you have got to be patient.

Q. Yes, and in that way you might be in the position, say, of overruling a foreman reporting this man?

A. No, I never overrule a foreman. No, a foreman runs his own line.

Q. Yes, but you might talk with him and say, "Why  
792 do you not give this man another chance?"

A. Yes, if he is agreeable.

Q. But if the foreman wanted him removed from the line and so reported to you, that would be the end of it, would it?

A. No, the foreman would write a query on that and submit it to the personnel department. Before he would submit it to the personnel department he would write a query and ask the steward to okay and sign it, and if the steward okayed and signed it, it would go to the personnel department.

Q. I did not get the first part of your answer.

A. I say, the foreman would write up the query and send a copy to the general foreman, myself, and one to the superintendent and one to the personnel department. Now, if the steward did sign that query and okayed that move, then we would go ahead and make the move. But if the steward refuses to sign the query, then we would send it through to the personnel department, who would conduct a hearing on the case and make disposition of that case.

Trial Examiner Jaffee: We will take a five-minute recess.

(A short recess was taken.)

Trial Examiner Jaffee: We will resume, gentlemen.

Q. (By Mr. Dahling) I believe when we adjourned for

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the recess we were discussing these grievances that  
793 you took up with the steward or, rather, the steward would take up with you and you gave us some examples. Have you any other examples of grievances that come to your attention—as general foreman, other than those you gave us?

A. Only plant violations that are reported to us by the guards that we have to dispose of and take care of.

Q. We will say a violation is reported to you by one of the guards, what do you do?

A. You make out a query and state what that violation was, and then the number of the violation ticket is stated right on there and what the penalty is under your setup that the Company put out, such as three days for the first time caught gambling. We make up that query and impose that penalty on the grievance. Then we have to discuss that with the steward again and if he will okay it, then the penalty would be imposed; if not, it has to go through the personnel department.

Q. Do you consider the charge, the facts of the charge at all?

A. Oh, no; we have nothing to do with it. We have no part in it except to write up, impose the penalty set by the Company. There is nothing else we can do.

Q. That would be in the case where a guard reports a violation to you. We will say you observed a violation of some character yourself. What would you do about it?

794 A. I would go through the same procedure. Write up a query, hand a copy to the steward, with a notification, the 24-hour notice that a certain penalty would be imposed, and then he would either sign it, which is very seldom—it generally comes to a hearing with the personnel department.

Q. That is at the insistence of the Union?

A. Yes.

Q. Would you, however, at times, merely reprimand a man rather than impose a penalty on him?

A. You might in some things tell him not to do it again, something like that.



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Q. You would use your judgment and take into consideration the man's record and that sort of thing, would you not?

A. The usual thing, usually, is to get ahold of the steward and tell the steward this man has done a certain thing and that you want to reprimand him. If he agrees, you bring the man in, usually in company with the steward—no, not usually; I should have said you must have the steward there at all times.

Q. And you do that in order to comply with the contract? We are now referring to the CIO or workers' contract?

A. Oh, yes.

Trial Examiner Jaffee: Might you simply reprimand a man for such a violation as gambling?

795 The Witness: Well, you would risk the chance of getting fired yourself if the Company knew you did it. You would have to impose a penalty in a case like that.

Q. (By Mr. Dahling) Let us take that situation. What sort of gambling goes on? We have heard a lot about gambling. Is it shooting dice?

A. I have seen all sorts, shooting dice, playing cards.

Q. When they shoot dice, there are usually quite a number of men in the game, are there not?

A. Yes.

Q. Would it not be rather difficult if you came upon a dice game to be certain as to what men were actually in the game and what men might be just looking on?

A. Yes.

Q. You would exercise your judgment in connection with that matter, would you not?

A. Well, I have never caught them playing dice. The guards usually are the ones that catch them on that.

Q. But if you should run into a game of that character, you would use your judgment to determine whether they were all in the game or whether some were just passing by?

A. I would have to get more than that. If I was by myself, there would be eight or nine witnesses against me.

Q. Unless you had some very direct evidence, you could not penalize every one you saw there?



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796 A. I couldn't.

Q. And you would have to use your judgment if the Union demanded a trial?

A. That's the only way I could do it.

Q. Or in the case of absenteeism, you sometimes ask that the man be removed from the rolls, do you not?

A. Yes.

Q. You make out regular query forms?

A. Yes.

Q. How do you do that?

A. A man's record is checked back for perhaps a couple of months.

Q. Who does that?

A. The clerk, at our request. If a foreman comes to me and tells me he has had a chronic absentee, I say that the best thing is to get the girl to check his record. If that record is so bad, we write out a query stating it is a 2+ hour notice of dismissal. We do that to maybe scare the man a little bit, and those cases, as a rule, go to Personnel, and the man will get a lecture and a warning that should it continue he will be dismissed. If it does continue, the second one is written up, perhaps the steward and Personnel will agree and the man will be dismissed.

Q. In checking over his record, you come to a decision on whether you will prepare this query?

797 A. Yes.

Q. And after looking over the record, you may decide that under the circumstances you will wait and see what develops, is that right?

A. You may watch it a week or two. If it doesn't improve, then the foreman, or whoever the man belongs to, in the group, writes up his own query.

Q. So you use your own judgment in that kind of matter, as to when you are going to send this query through as to the absentee?

A. Yes.

Q. Well, say the query is made out and the steward agrees to it, what happens to it then?

A. Our usual procedure is to ask for him to be removed from the roll of that department because when he goes to

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the front office it is quite likely they will put him to work in some other department, even if you ~~try~~ to fire him, so what's the use of firing him?

798 Q. (By Mr. Dahling): In other words, they may need them so badly that they will have to take him and give him another chance somewhere?

A. Yes.

Q. You have no objection to that?

A. I don't like to unload a bad man from myself to some other man. I have no say in that at all. He will probably be of no use to me or anybody else and I do not have any say on that.

Q. And you would feel the man in this case should be discharged and not put in on another department?

A. I would feel that way, yes.

Q. And that would be so even though there is a great shortage of labor and it might be necessary for the Company to use every type of man they can get ahold of?

A. It might be so.

Q. If some of your men should happen to get into a fight, what procedure do you follow?

A. There is a standard procedure about men getting into a fight. They are sent home immediately and a hearing is held the next day. We have just that certain procedure and we have to follow that.

Q. And you appear at that hearing the next day?

A. I have not had to so far but I do not know whether they would even request that I did. I did have one  
799 fight, come to think of it, in my department, but I did not have to appear on that, that was taken care of in the Personnel Department.

Q. But if you were actually a witness you might be called to give your report on it?

A. I suppose so, yes.

Q. Mr. Turnbull, we have been using the term "query." When I first heard it I thought it was an unusual word. What do you mean by "query"?

A. It is a ~~typed~~ typewritten notice. If I write a note to my superintendent about a leave or something else a record should be kept of it or if they should want to keep a rec-

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ord of any sort, they will give it to the girl and have the girl type it up because it is easier to read it when it is typewritten than when it is in longhand. It is of a certain size of paper that we have and we write a note and that is a query.

Q. And that is the term that Packard uses for that form of communication?

A. Yes.

Q. And you use that in cases where you ask that a man be removed from the roll? In other words, your communication is that so-called query?

A. Yes.

Q. Where you discipline a man, in a case of gambling, that report is called a query?

A. That is right.

Q. Now, your department, or let us say the main assembly department, is laid out in a certain manner, is it not?

A. Yes.

Q. And that is done by some other department of the Company?

A. Yes.

Q. What is that called?

A. That is called the process and engineering department on that, who do that.

Q. And that is laid out with the idea of having the operations run smoothly, isn't it?

A. That is right.

Q. And if you find that after it has been once laid out that it does not operate smoothly and you think you know the reason, would you attempt to get a correction made?

A. I would point that out to the superintendent and he in turn would point it out to the division manager.

Q. When this aircraft assembly was first laid out it was first a small operation, is that right?

A. Well, when we built it first it was built for one or two. We did the whole job completely in a small department big enough to build two or three engines.

801 Q. And you knew quite a bit about the operation of such an assembly line from your previous experience, didn't you?

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A. Yes.

Q. And that was the reason for giving you a bigger job on the bigger line?

A. Yes.

Q. Did you discuss with your division manager or superintendent ideas for laying that out?

A. No, that was all set and laid out already. I did not have anything to do with that.

Q. That was set out by the Engineering Department?

A. Yes.

Q. Now, I suppose that in addition to your getting out your production and the right quantity, you have to be sure that the quality is okay also?

A. We have the Inspection Department that checks that for us pretty closely.

Q. And if some of these men who do these operations fail to do them properly, these engines come back to you, do they?

A. They just do not go on any further. If they do a job wrong the inspector puts a tag on it and it has to be fixed before going any further.

Q. What do you do to see that quality is maintained and not to get the rejections?

A. The only thing you can do on that is that you have trouble on that job—they will take it off the line and send it to another department for repair. We have a special department for any repairs. You cannot do repairs on the line. The engine is taken off the line away from us entirely and it is sent to a repair department until that job is okay. That job has to be okayed then by the Inspection Department and the Army and Navy Inspection. It is not put back on the assembly line at all. Once a tag is on I am finished until it is repaired and put back.

Q. And that would be in the case where a certain part that you attached is imperfect?

A. It may be that a thread is stripped when they put a part on a job.

Q. Well, let us say that the quality was not up to standard because of the defective workmanship on the

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part of the men on your assembly line, what do you do to prevent that sort of thing?

A. You mean, if a man is doing a job and not doing it correctly what do I do?

Q. What do you do if it is not being done correctly?

A. What I do is that if it came to my attention—the foreman, of course, takes care of it. Supposing it was chronic, then I would find out and see if the man  
803 was instructed right. If he wasn't then that is up to the foreman or leader to see that he is. If he is careless on the job then I would get the steward and discuss removing the man from that to an easier one where he could do the job.

Q. Might you discuss the matter with the man himself and see if you could point out methods for correcting it?

A. You let the man in charge of that line do that. I do not talk to the men myself.

Q. Would the foreman in charge possibly discuss with the man and the steward the work he was doing, with the idea of showing him how to do the proper type of work?

A. It is up to him to instruct his men correctly.

Q. Until you have exhausted your efforts in that connection or your foreman had, you wouldn't be moving him off the line, I suppose?

A. No, you couldn't.

Q. What responsibility do you have in connection with the checking of material coming into your department?

A. Well, I do not have any responsibility on that. If it does not come in the only thing I can do is report that it is not there.

Q. But you do see that it is checked when it comes in to determine whether you are getting the proper amount or not and whether there is a shortage, do you not?

804 A. If there is a shortage in parts the foreman reports that to me, that there is a shortage. I get a report.

Q. How many unions have you been a member of?

A. Let's see, one—two. The first one I belonged to, as I told you this morning, was the Scientific Instrument Makers and that one later merged with several others, of



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various classifications, into one big union. In other words, there was a toolmakers union, a blacksmith union, an instrument makers union and a lathe operators union and they were all amalgamated together into the Amalgamated Society of Engineers, and then the Amalgamated Engineering Union came of that. That was one union in the old country, in England.

Q. Were you active in union affairs in England?

A. Well, I was much younger then and I wasn't so very active there. I was on one committee in the City of Glasgow. It was a good committee but that was the only committee I was on.

Q. When you came to this country you joined what union?

A. The CIO.

Q. You were active in the CIO?

A. Yes, very active.

Q. When you say "very active," will you explain just what your activities were?

A. I joined it at the very start and when they  
805 elected stewards in the department I became a deputy steward. Later the men in the department recalled the man that was steward and I was elected in his place. I then became a steward. Just a short time after that when the contract was signed and set up, they set up a new setup and put it into the contract for a district steward, one for each district. I was elected a district steward. I was at that time district steward over the old main division plant and that comprised about forty-four departments at that time.

Q. And that was at Packard?

A. Yes, at Packard.

Q. Were you working for Packard when you joined the CIO?

A. Yes.

Q. You spoke about the "contract" when you joined the CIO—or perhaps I should say UAW, was that prior to the time of their first contract?

A. Yes—well, the first contract was made out but I did not have anything to do with that, that was made up more



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by the International officers, I do believe. We had a National Labor Relations Board vote. I didn't have anything to do with that second contract. The first I had to do with that was when they put the district steward's set up in the contract.

806 Q. As a district steward what were your duties?

A. If a steward couldn't settle a grievance with the foreman in his department then he wrote that up as a grievance and handed it over to me as the district steward. Then accompanied by the personnel man I would go to that department and try to iron out that difficulty for them and if I were not successful with the personnel man then I had to refer it to the last committee to dispose of it.

Q. You were quite busy, I presume, during those years?

A. Yes, I would be quite busy with forty-four departments.

Q. Were you working during that time?

A. I did work some.

Q. But most of the time you were engaged in duties as district steward?

A. I was pretty well occupied with that.

Q. Forty-four departments cover quite a bit of territory?

A. Yes, from the Boulevard up to the new department on Concord and five stories to work on.

807 Q. And about how many men would be in those departments, if you know, approximately?

A. Oh, I don't know that I could tell you that. Maybe we had five thousand men in that division—no, I may be too high; maybe about four thousand men in that whole division.

Q. And you were, during that period of time—and when I say that period of time, I refer to the period when you were district steward—by the way, when would that be?

A. From about 1937 to the early part of 1939, around about February of 1939.

Q. Were you still a district steward when you were promoted to assistant foreman?

A. Oh, no. I got defeated at the election that year and I was just a rank and file worker when I was transferred.

Q. But I believe you said you were busy with Union

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activities in addition to being district steward. Did that mean you would attend meetings regularly?

A. I always do attend Union meetings, yes, I always made a practice of that.

Q. Would you say you attended practically all of the Union meetings?

A. Oh, yes.

Q. Did you serve in any other capacity in the CIO Union?

A. No, I never was a member of their executive board, or anything, never took any other office.

Q. I presume, then, that being so active in these unions, Mr. Turnbull, you believe as Mr. Keys, that a Union member has certain obligations to his Union.

A. Yes.

Q. And those obligations included the payment of dues?

A. Yes.

Q. And the attendance of meetings and living up to the Constitution of your Union?

A. Yes.

Q. And he also should believe in the principles of unionism and fight for those principles?

A. If necessary, yes.

Q. Now, on this question of principles of Unionism, what are some of them, so far as you are concerned?

A. My idea of a union is to see that a fair standard of wages is provided.

Q. One is that there should be fair wages? That is a Union principle?

A. That's right, fair wages, fair conditions.

Q. That is fair working conditions?

A. That's correct.

Q. Are those the two main principles of Unionism?

A. Yes, sir.

Q. Is it also a principle of Unionism to have seniority? Would you say that is a principle of Unionism?

A. Oh, yes.

Q. So you would add that on as a third principle?

A. Yes.

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Q. Well, you might say that what you have given me are more or less objectives rather than principles of Unionism, is that not correct?

A. No, those are principles.

Q. What would your principles of Unionism be as between members of the Union?

A. A condition of cooperation. Help the other man along the road wherever possible to make him a better worker and if possible, better his conditions. In other words, in Unionism you may have one man qualified and another man not quite so good. If you can help that man, then you should do all you can to help.

Q. In other words, the old slogan, "All for one and one for all," applies particularly to Unionism, does it not?

810 A. All for one and one for all?

Trial Examiner Jaffee: You mean as against members of the Union?

Mr. Dahling: As against members of the Union. In other words, you are in there to fight for the interests of the members of that Union?

The Witness: Yes.

Q. (By Dr. Dahling): And you would fight for the interests of one member of that Union?

A. Absolutely.

Q. And for the interests of all the members of that Union?

A. Yes.

Q. So that would be the Union principle, really, "All for one and one for all," is that right?

A. I don't like that way of putting it, somehow.

Q. You do not like to have it put that way?

A. Yes.

Q. I do not want to mislead you now, but if you do not like that statement it is quite all right.

A. I will agree with the other way you asked it 100 per cent.

Q. Now, of course, these Union principles are universal, aren't they? They apply to all unions, don't they?

A. I would imagine so, yes.

811 Q. And they apply to the UAW?

A. Yes.

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Q. And they also apply to the Foreman's Association of America?

A. Yes, and the Manufacturers Association.

Q. Is that a union, Mr. Turnbull?

A. Yes, surely, it is a union of the Manufacturers Association.

Q. Did you ever hear of the Manufacturers Association putting out a picket line?

A. Well, you were banded against us during the last strike.

Q. Did you ever see a Manufacturers Association picket line, did you or did you not?

A. No.

Q. Did you ever hear of the Manufacturers Association call a strike in the middle of wartime in Detroit and close the plant?

Mr. Nelson: In 1933 you called it.

The Witness: You didn't have a strike in '43 but in '44 during wartime it was called by the Manufacturers Association, who closed our plants but the Manufacturers?

Q. (By Mr. Dahling): Did the Manufacturers Association call the strike?

A. You are all associated together.

812 Q. I am asking you whether the Manufacturers Association called the strike?

A. It is the same thing, it was a stoppage of war work.

Q. Did the Manufacturers Association ever, to your knowledge, call a strike?

Mr. Nelson: Yes.

The Witness: To my knowledge they shut the plant.

Mr. Dahling: Mr. Examiner, I am not asking counsel questions nor for answers, and I ask that it be stricken in the event that the reporter took it down.

Trial Examiner Jaffee: It is stricken.

Mr. Nelson: Ask the man where he was in 1933 and 1934 and he'll tell you.

Q. (By Mr. Dahling): My question, Mr. Witness, is limited to the war period and I am asking you if the Manufacturers Association ever called a strike in wartime, to your knowledge?

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A. I would say that they closed the Packard plant back in May.

Q. May of this year?

A. Absolutely.

Q. They ordered the Foreman's Association of America to stop working?

A. No, they didn't ask us to stop work but they didn't consult us at all. We wanted to work.

813 Q. Well, during the period of the strike in May, the gates of the plant were open, were they not?

A. Yes.

Q. And no one was prevented from going in?

A. No.

Q. Now you believe and I believe that another principle of unionism would be loyalty of the members to the Union?

A. Yes.

Q. And your emblem, I believe, has on it the word "Fidelity"?

A. Yes.

Q. And is it your understanding that fidelity means loyalty and faithfulness and that that in turn would mean that Union members should be loyal and faithful to the other members of the Union?

A. Yes.

Q. And that they should live up to the dictates of the Union?

A. Yes.

Q. And even though they thought—or might not believe in them or believe in a certain action?

A. Yes.

Q. In the Foreman's Association of America does the majority rule?

A. Yes.

814 Q. And if the majority ruled to go out on strike, even though you did not agree with that, you would feel that you would be bound by that?

A. Yes.

Q. And if you should oppose it too violently it might result, if you were an officer, in your being removed?

A. Yes, in a recall.

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Q. The officers of the Foreman's Association of America can be removed at any time by the membership, can they?

A. Yes.

Q. They do not serve for any particular time?

A. They serve for a period of one year, but if they don't want you as an officer they will darn soon put you out.

Q. And if you had a leader elected who disagreed with what the majority wanted to do, the first thing that would happen to him would be that he would be thrown out of office?

A. Yes, that could happen.

Q. And then there would be elected an officer who agreed with the majority?

A. Yes.

Q. Mr. Turnbull, how are the rights of the minority of the Union protected in cases of that sort?

A. Well, there would just be a minority group. You  
815 take a vote and whatever the vote stands for or whatever the result of that vote is, you are all expected to abide by the majority. The majority rules.

Trial Examiner Jaffee: Just as in a national election.

The Witness: Absolutely the same as in a national election.

Trial Examiner Jaffee: Off the record.

(Discussion off the record.)

Trial Examiner Jaffee: On the record.

Q. (By Mr. Dahling): When you were appointed or promoted to assistant foreman, did you resign from the CIO?

A. Yes, sir.

Q. Did you feel that you should resign from the CIO?

A. Yes, sir.

Q. Would it have been quite all right for you to have remained a member of the CIO, even though you are a foreman?

A. No, their contract covers that.

Q. If there was no contract what would your position be there?

A. I would belong to a union as long as I could.

Q. And if there was nothing in the contract—in other



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816 words, if the CIO had no objection to it you would have remained with the CIO as a member of the Union?

A. Yes.

Q. And your position would be the same at the present time, as a general foreman; if there was no rule against you belonging to the CIO you would still maintain your membership in it?

A. I would have no reason if it were allowable—but it is not allowable.

Q. If it was allowable you would continue your membership?

A. I don't know about that, Mr. Dahling. I would have to figure that one out. I do not know what would happen under those circumstances. Those circumstances have never arisen and I do not know what I would do under those circumstances.

Q. You said that you had belonged to a union and that you would be a member of a union as long as you could?

A. Yes, but there is a Foreman's Association now.

Q. If there wasn't a Foreman's Association and there was no objection from the CIO would you then remain a member of the CIO?

A. Well, I would like to belong to some union all my time there, whichever union it was that was able to give me job protection and the protection a man should have.

817 I certainly would belong to a union as long as possible—as long as it was possible for me to belong to one in the category of the job I was in.

Q. And it would not make any difference whether that Union was composed entirely of workers, or not?

A. That again would depend as to the benefits I could derive. If I would get no benefits and if it would do me no good to belong to the Union what would be the purpose of belonging?

Mr. Nelson: I suppose I should object to this, it is a situation that cannot exist under all the proof in this case.

Mr. Dahling: Do you mean that the Foreman's Association of America may never be taken over by the CIO?

Mr. Nelson: I think that is the fact, and so does he.

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Mr. Dahling: Do you mean that history will not repeat itself?

Mr. Nelson: Do you mean the taking over of an independent union by the CIO? Not in this case.

Mr. Dahling: As a matter of fact, if the CIO attempted to take over your Union you would fight it, I suppose?

The Witness: I would fight it. No, I do not think that would be the thing to do at all. There are a  
818 difference in the two.

Q. (By Mr. Dahling): If the CIO organizers got together and got some of your members to petition for a union that would be affiliated with the CIO, you would fight that movement?

A. Absolutely, I see no need for it and I would fight it.

Q. And if you lost your fight and the CIO Union was established what would you do?

A. I don't say that I would join because of that but if I thought that particular thing wasn't right I wouldn't belong to it.

Q. Do you think it is right?

A. Well, there is no need for CIO to come in our picture. We are doing them no harm and we do not need them.

Q. I am putting up a situation to you. Suppose the CIO sends in organizers into the Packard plant and gets enough foremen at the Packard plant to ask for an election for representation and the election is held and it is voted that the CIO is going to represent the foremen at Packard, would you then join this CIO unit?

A. I might and I might quit.

Q. Well, you don't know, is that it?

A. That is it, I don't know.

819 Q. You are uncertain as to what you would do?

A. If I didn't think it was satisfactory I would quit. Nobody can make me do what I don't want to.

Q. I don't think they could make you. You are exactly right in making that statement. What are your reasons now, if any, why you would not join that unit?

A. I have nothing against the CIO as a CIO but that is their own outfit and I do not see where we come into the picture with the CIO, and that is why.

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Q. Do you think it would be improper for foremen to belong to the CIO Union of workers?

Mr. Nelson: It obviously would now, because it is forbidden.

The Witness: It is the law now and what can you do?

Mr. Dahling: I move, Mr. Examiner, that the last statement of counsel be stricken from the record.

Mr. Nelson: I think I ought to object to it. Obviously we have a contract with the CIO and that forbids it and we have the Constitution of the Foreman's Association of America and that forbids it. It is a supposition which is violently contrary to the state of facts. It is not a fair question of the witness, as to what he might do, if the world was entirely different. It seems beyond the scope of this inquiry.

Mr. Dahling: What happened to the provisions of 820 the CIO contract with respect to plant protection men? Did the CIO live up to that contract?

Mr. Nelson: Whether they took it in or didn't, if they afterwards adjusted their operations to facts and got agreements on it I see no objection to it.

Mr. Dahling: As a matter of fact, they agreed not to take plant protection men and then they did take them. That is a matter of record with the National Labor Board, isn't it? The position was taken by management that it was a violation of their contract.

Mr. Nelson: And the Company agreed to it. All three parties were in agreement; so what?

Mr. Dahling: So the Union breached their contract.

Mr. Nelson: I do not take that as a breach of contract, that agreement, in my law, I do not know about yours.

Trial Examiner Jaffee: That will be all, gentlemen. The next question, please.

Mr. Dahling: It has been so long since I have asked the question that I have forgotten it and I do not know whether it has been answered or not. I will state it under another question.

Q. (By Mr. Dahling): Do you think it would be proper—

Mr. Nelson: We have not had an answer to the last question because I objected to it.

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821 Trial Examiner Jaffee: Will you ask another question, please?

Q. (By Mr. Dahling): Mr. Turnbull, do you think it would be proper for a foreman to become a member of a CIO Union in which the other members were workers over whom he had the power to recommend discharge, reclassification and discipline?

A. I would say no.

Q. You do not agree with Mr. Keys, then?

Mr. Nelson: I don't know about that. You have asked him a question and he ought not be asked to characterize other witness' testimony.

Trial Examiner Jaffee: I believe that is so, unless you point out the specific testimony to which you have reference.

Mr. Dahling: All right, I will withdraw the question.

Trial Examiner Jaffee: All right.

Q. (By Mr. Dahling): Why, in your opinion, shouldn't foremen be members of such a union?

A. Because it is possible for them to have a union of their own and I do not see, when it is possible to have a union of your own, why we should go into something that might cause a conflict. There is no need for it now, and we should have a union of our own and they should  
822 have their union and that is all we want.

Q. What conflict might arise?

A. Well, you people have been putting out the objection that there might be a conflict. We do not believe that there will be any conflicts.

Mr. Dahling: I ask that the last answer be stricken as not responsive.

Trial Examiner Jaffee: I think it is. You are going by the conflict that the Company alleges?

The Witness: Yes.

Mr. Dahling: As I understand your ruling then, the answer may stay?

Trial Examiner Jaffee: Yes.

Q. (By Mr. Dahling): And that is the only conflict you think that might arise?

Mr. Nelson: He did not say that he thought a conflict

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might arise. He said that the Company suggested a conflict might arise under the circumstances that you stated.

Mr. Dahling: I thought the witness said because of possible conflict—

Trial Examiner Jaffee (Interposing): He added to that.

Mr. Dahling: He said the only possible conflict about which the Company might do something—I don't  
823 know what he said—I am asking him now whether that is the only conflict which might arise, if the supervisors were members of the same union as workers whom they supervised. And if he doesn't think that there are any he can answer so.

Trial Examiner Jaffee: All right, go ahead.

The Witness: Well, that is the \$64.00 one.

Mr. Dahling: May I have the answer read, please?

Trial Examiner Jaffee: Read the answer.

(The answer was read.)

Mr. Nelson: The question briefly is, is there a possibility of other conflicts?

The Witness: It has worked, evidently, with other unions and if it is handled right I don't see why it couldn't work in any case. If they had to, though, I wouldn't advise it. I would sooner see us independent.

Q. (By Mr. Dahling): Then you do not have in mind any other conflicts which might arise?

A. I feel this way, on any conflict, if you sit down around a table and try to iron it out, it doesn't become a conflict. It can be done in this case as well as any other case. The round table is the place for that and it does not make any difference about the nature of the conflict.  
Mr. Dahling.

Q. Were you an officer at Packards at the time of  
824 the strike in April of this year?

A. Yes.

Q. What was your office at that time?

A. Secretary-treasurer.

Q. And it is the same office you held for a number of years, isn't it?

A. Yes.

Q. Did you attend the strike meeting that was called?



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A. Yes.

Q. Did you favor the strike?

A. Yes.

Q. Did you picket the gates at the time of the strike?

A. I was too busy to picket the gate. I did drive around once or twice in a car.

Q. You weren't busy working on your job at Packards?

A. I was working to see the thing over as quickly as possible.

Q. Trying to stop the strike?

A. Trying to get us back to work and get a settlement as quickly as possible.

Q. Were you trying to influence the members of the Union not to continue the strike?

A. No. I was trying to get the Company to give in to us to get back to work, so that we could work in harmony.

Q. And you were unsuccessful?

825 A. I don't say so. We got certain results. The War Labor Board Panel was one result that came from that strike.

Q. The War Labor Board Panel was a result, one of the things you wanted to get at the time of the strike, wasn't it?

A. We had to have some place to go to get redress. We asked the Company what they offered and they said, "Nothing."

Q. So you struck for the purpose of getting the War Labor Board to issue some sort of order or directive?

A. No, we struck for recognition.

Q. And that is what you wanted, that your Union be recognized?

A. Absolutely.

Q. And that was the purpose of the strike?

A. Yes.

Q. And you say you only drove around a couple of times?

A. Something like that, once or twice more.

Q. When you drove around were there pickets at the gates of the Packard plant?



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A. No, we didn't need pickets there.

Q. What do you mean when you say "you didn't need pickets there"?

A. Our men rolled out and we didn't need a picket line.

826 Q. In other words, you were all out?

A. Yes.

Q. Didn't you have men standing around the gates?

A. Yes.

Q. Why were they standing there?

A. Well, you had other men there that were liable to take over our foremen's jobs. We didn't want them to do that and if it were possible, we didn't want somebody else taking our jobs.

Q. How would you prevent them from taking your jobs?

A. We talked to them and some of them—even the superintendents were in sympathy with us and came out with us.

Q. When you talked with them, what did you say?

A. As long as they handled their jobs it was all right, but the moment they did the foremen's jobs, they were in the wrong and that there might be trouble, and they gave us their assurance that they would not do it.

Q. Didn't you tell them that if they did that job it would be too bad for them?

A. We didn't have need to do that, they knew that.

Q. Did you phone the wives of—

A. (Interposing): No, Mr. Dahling. You made reference to that previously and I will object to it now. We never did anything like that—

827 Q. Don't answer the question before I ask it. Is that an indication that you knew that the question referred to telephone calls?

The Witness: I heard Mr. Donovan accuse Mr. Keys of the same thing and I resented it then and I do now.

Q. I am asking you whether you called any of the superintendents' wives and told them that they better keep their husbands home?

A. Are you asking me did "we" or did I do that?

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Q. Do you know about it being done?

A. No, I do not.

Mr. Nelson: I think your question is misleading (and I think he is entitled to answer that as to himself.

Mr. Dahling: I do not want to be unfair in my questioning and about this. If he doesn't know about it he can answer "no."

The Witness: I didn't know and I didn't do any such thing as that to anybody.

Q. (By Mr. Dahling): Did you go down to Washington at the time Mr. Keys was called before the War Labor Board?

A. Yes.

Q. And you were present at that time?

A. Yes.

Q. And you heard the statements that were made by the members of the Army and Navy down there?

828 A. Yes.

Q. I believe that the record of that proceeding appears in one of your magazines, doesn't it?

A. I don't know about that but I imagine there is right now.

Mr. Nelson: While you are at it, Mr. Dahling, we would like the whole statement, the whole proceeding instead of the portion, the one portion Mr. Donovan read,—we would like to have the whole portion read in this proceeding.

Mr. Dahling: It is quite agreeable to me to put the entire record in. I think it might be quite illuminating to the Board.

Mr. Nelson: All of it or none.

Mr. Dahling: It might be enlightening to the Board. What I have in mind, Mr. Examiner, is the conversation that took place between Mr. Davis and the War Labor Board and Mr. Keys and his representatives at the time of the strikes in May of this year. The Union officials were ordered to Washington to show cause why they did not terminate the strikes. If counsel has no objection, I would like to have that report—I believe it is in a copy of your magazine which I have not here right now with me.

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829 Mr. Nelson: You can produce it. I am dissatisfied with a portion of it being read. I want it perfectly clear that the Company was not asked to do anything and that no relief was granted the foremen.

Mr. Dahling: I am quite sure that Mr. Donovan did not intend to mislead anyone by reading part of it.

Trial Examiner Jaffee: All right; gentlemen, let's go on.

Mr. Dahling: All right, let us have all of it in then.

• Trial Examiner Jaffee: Let's go on.

Mr. Dahling: I wonder, Mr. Examiner, if, before starting in on another line of questioning it would be possible to adjourn at this time. I am making that request because it is necessary for me to see several persons this afternoon and the purpose of the meeting is to determine—the meeting may have something to do with the length of this particular proceeding. I cannot promise anything but it might arrive at a certain result and the hearing may be shortened. I cannot reach these people or be with them long enough unless we adjourn this proceeding now.

Mr. Nelson: Mr. Examiner, I may, for the benefit of Mr. Dahling and the Examiner and the attorney for the Board, say that we plan to call just one more witness. I would say shorter than any other. There were two or three  
830 questions that I would like to ask Mr. Keys. I wanted to give counsel notice, in view of the holiday recess, so that he might prepare himself and not be taken by surprise and cause some further delay.

Trial Examiner Jaffee: It is particularly gratifying to me to see that counsel are trying to shorten this hearing. I might say that I had two things in mind for next week, one of which was to lengthen the hearing day slightly in order to at least begin to comply with the usual practice of trial examiners, which is, to sit six hours per day, three in the morning and three in the afternoon. The second point is the fact that I think we have all been rather negligent in the starting of the hearing. We have been negligent in starting the hearings on time and observing the announced periods of recess. I do not want to blame counsel for that because I have been just as guilty, myself. I will take part of the blame but not all of it. I think

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next week, if and when I say 9:30 in the morning, we come in at 9:30 and start at 9:30 and if I say a five- or ten-minute recess, we see to it that we come back on time and we will get along a little faster. We will not sit tomorrow, as I have indicated to you informally off the record, and next Monday is Christmas, so we will not, obviously, sit on that day. Unless counsel care to add something  
831 further it is my intention to say Merry Christmas to you and recess until next Tuesday.

Mr. Dahling: I would like to say this, Mr. Examiner, I am not committing myself at this time, but frankly, I may be forced to ask for some little time next week. However, I do not want Mr. Nelson, by his statement, to leave that uncovered. Further, you spoke of increasing the time of the hearing. Frankly, it is difficult, even with the time we now have, to be prepared on these things. I do not want to go back and restate the situation we find ourselves in in this case, but I hardly think it is fair to the Respondent, not to give the Respondent ample time and opportunity.

Trial Examiner Jaffee: I think the Respondent has had ample time—I do not like the word Respondent—I think the Company has had ample time and what the Board considers legal time and what I think is sufficient time.

Mr. Dahling: I am sorry to be in complete disagreement with the Board.

Trial Examiner Jaffee: A six-hour day is the normal length of time in which we hold hearings. I have had dozens of cases in which I sat substantially longer—for substantially longer periods of time, and in most of them counsel have cooperated and were quite anxious to sit those long periods. I indicated in an earlier statement

that I thought I was being lax and liberal in per-  
832 mitting some of the testimony that has gone in, which I personally considered rather remote. I am still of that opinion. I appreciate that counsel cannot commit themselves in advance as to what they will or will not do or formally cannot do, the same, of course, applies to the Examiner. I am not committing myself now as to what I will or will not do next week, that depends in part on what the developments are.

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Mr. Nelson: I want counsel to be informed that following the conclusion of cross-examination of Mr. Turnbull, the present witness, I would think that the Petitioner's case could be put in in approximately one hour. I cannot, of course, estimate anything in connection with cross-examination of our witnesses. I think perhaps that should afford the Examiner, counsel for the Board and for the Company, some information as to what they should be prepared to do.

Trial Examiner Jaffee: Well, I would say on the basis of your statement, that I would expect the Company to be ready to go ahead at the conclusion of the testimony of the Petitioner, unless there is some particular surprise in the rest of your testimony.

Mr. Karasiek: I would like to state only this: I have spoken to counsel for the respective parties prior to this time with the idea in mind of seeing whether a  
833 certain amount of material, which I thought, at least, would not be in dispute or in disagreement, and about which there could be some stipulation, but the parties have felt that they were unwilling to do that with respect to the matters discussed. As we go along other matters may arise which they will endeavor to agree upon, and save hearing time if they possibly can.

Mr. Dahling: Well, Mr. Examiner, before we adjourn may I on behalf of the Company wish to you and to the members of the Petitioner and the court reporter, a very Merry Christmas.

Mr. Nelson: The Petitioner reciprocates the desire for a Merry Season.

Trial Examiner Jaffee: And I trust the same spirit will prevail when we convene next Tuesday morning at 9:30 A. M. The hearing is adjourned.

(Whereupon, at 5:00 o'clock P. M., Friday, December 22, 1944, the hearing was adjourned until Tuesday, December 26, 1944, at 9:30 o'clock A. M.)



*Testimony of Robert F. Turnbull*

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Room 737, Federal Building,  
Detroit, Michigan,  
Tuesday, December 26, 1944.

Pursuant to adjournment, the above-entitled matter came on for hearing at 9:30 A. M.

Before:

Samuel H. Jaffee, Trial Examiner.

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PROCEEDINGS.

Trial Examiner Jaffee: Are we ready to proceed, gentlemen? The cross-examination of Mr. Turnbull was evidently not completed on Friday, last.

Mr. Dahling: It had not, Mr. Examiner. I presume we may proceed now?

Trial Examiner Jaffee: Yes, please.

ROBERT F. TURNBULL

resumed the stand, was examined and testified further as follows:

**Cross-Examination** (Continued).

Q. (By Mr. Dahling): Mr. Turnbull, in the event that you have workers in your department that you feel are competent and you desire to improve their condition, what do you do? Can you recommend their change in classification?

A. We take any change of classification on a seniority basis, on any change like that.

Q. Well, that is not quite answering my question. May I put it this way: Do you mean that you cannot upgrade a man on ability and that it depends entirely upon his length of service?

A. Yes. Except we have what we call a utility man. That is a man that, we will say, is an all-around man in a group. Now, if we need a man such as that, the general rule is that he has to be taken on seniority unless  
837 you have got a case, for instance, where a man is exceptionally slow, or something like that, or has



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some bad habit. Then you may manage to get the steward to agree with you along that line.

Q. I take it then that it is very difficult for you to upgrade these men on other than a seniority basis?

A. Yes, sir.

Q. That is opposed by the UAW Union?

A. That is correct.

Q. Take the case of the demotion of a man, if you desire to demote a man do you have the same difficulty there?

A. We run into the same difficulty and we have to put out a special query. That query is signed by the man himself, by the steward and by the foreman of the line.

Q. Does the matter of seniority enter into that, too?

A. Yes.

Q. In other words, you are supposed to demote the man who has the least seniority?

A. Yes, sir.

Q. And if you attempt to demote a man who has greater seniority than a man who is to remain on a like job, will you run into difficulty with the Union?

A. Oh, yes.

Q. What difficulty have you had, we will say, in demoting a man who has had greater seniority than others  
838 who will remain on the same job?

A. I do not remember having ever run into that difficulty at all. I don't ever remember having ever run into that difficulty at all. I don't ever remember having demoted a man.

Q. You don't remember demoting a man?

A. No.

Q. Do you know what the general experience of your brother foremen has been in that connection?

A. We would run into quite a difficulty, Mr. Dahling, I would say, however, that it is very, very seldom that you see that happen, except if it came to such a thing as a cutback or a layoff, then you may manage, if there is a difference of opinion on the ability of a person. You may manage then, to get the steward to agree, but it is not a usual thing at all to cut back.

Q. It is difficult to cut a man back except on a strict seniority basis?

*Testimony of Robert F. Turnbull*

A. Yes.

Q. And how does that arrangement work out in connection with transfers?

A. A transfer from one department to another?

Q. Yes.

A. That would be done on the same basis, on a seniority basis, the youngest man would be the one transferred.

839 Q. I believe you stated that in connection with discharges, you also ran into the same difficulty with the CIO Union?

A. Yes.

Q. Now, of course, in connection with your work you have other departments and divisions of the Company which give you assistance, do you not?

A. Yes, all parts come from other divisions to us.

Q. The parts do, but I mean in connection with injuries, you would not attempt to administer first aid, for instance, you have a hospital for that?

A. That's right.

Q. And the employment office takes care of the hiring of employees?

A. Yes.

Q. The plant layout men take care of laying out the work and the processing in the various departments of the plant, is that correct?

A. Yes.

Q. You also have a master mechanic who assists you with troubles that arise in your department?

A. Yes.

Q. And also, as you have testified, the Industrial Relations Department, in connection with some of your labor problems and problems of your workers?

A. Yes.

840 Q. You can, of course, call upon any of those departments for assistance?

A. Yes.

Q. I do not recall whether you testified that you do or do not have a clerk to assist you in your work?

A. We have a clerk in there; she doesn't do any typing for me, but she comes under the time office people. There is one chief clerk in the division and he has charge of all

*Testimony of Robert F. Turnbull*

the girls, but one of the girls is in the same office I am and she makes up any queries, and such things as that.

Q. That is supposed to be a part of her job?

A. Yes.

Q. And to that extent she is, of course, under your control?

A. Yes.

Q. You give her directions as to these reports and bookkeeping matters?

A. I don't have anything to do with that. I sign the time report every night; that's all I have to do with the time.

Q. You would make out your requisitions—or who would make out your requisitions for additional help if you needed additional help?

A. I make those out and submit them to the superintendent, who in turn submits them to the foreman.

841 Q. Who types those out for you?

A. It is a special form, Mr. Dahling, that we use for that, and we just write it in in pencil.

Q. From what source are the assistant foremen recruited, Mr. Turnbull?

A. Generally from the rank and file.

Q. It is practically without exception in Packard's that they come from the rank and file, is that not true?

A. A great number of them, I will say that. There are exceptional cases sometimes, but most of them are from the rank and file.

Q. But to your experience, that is a general thing?

A. Yes.

Q. Where are the foremen recruited from?

A. Pretty much the same thing.

Q. You would answer that question same as you did the previous question, you recruit them from the rank and file?

A. Yes.

Q. Is the same thing true with respect to the general foremen?

A. As far as I know.

Q. Yes, I am only asking for your knowledge, Mr. Turnbull.

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A. I would say they are.

Q. It would be only the exceptional cases where they would not be recruited from the ranks of the foremen?

842 A. Yes.

Q. Who recommends the advancement of these men, we will say from assistant foreman to a foreman?

A. Well, the only ones I ever had anything to do with in the way of recommending was one time when we were arguing about the rates of pay and they and the manager told me to put it in the change of classification to him and he would see what he could do. So I wrote them up and submitted them to the superintendent and he signed that form and sent it on to the division manager and he made the change.

Q. Promoted from assistant foreman to a foreman, is that it?

A. Yes, I couldn't promote one myself.

Q. But you would have to ask for approval, and you could recommend, however?

A. Oh, yes. Of course, we have a certain set number of foremen and assistant foremen. If they decide they want to put on extra ones, then they would tell me to put this man's name in, and I would put it in.

Q. You do not think there is anything inconsistent or wrong with the division manager passing on these questions of promotions, do you?

A. No, that's his job.

843 Q. That is, he has an entire division?

A. Yes.

Q. And he has to consider all parts of the division, as well as your department?

A. Yes.

Q. And it would be very logical that he should pass on these questions of promotions?

A. Yes, the same as on demotions. We demoted three just a month ago and that was decided—the superintendent and division manager, they sat in on that conference and I was told to tell these men they would have to be dropped to leaders. I had nothing to say in that other than that.

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Q. Who decided that they should be demoted?

A. It was decided between the superintendent and the division manager.

Q. Was the matter discussed with you at all?

A. No.

Q. You knew nothing about it until the time of the demotion?

A. That's correct.

Q. What were the names of the men demoted?

A. George Cikity and Charles Forsythe.

844 Q. And when did this occur, did you say?

A. Just about the beginning of December that they went on the hourly rate, the beginning of December.

Q. They were assistant foremen?

A. Yes, there were three altogether, there was a man, Herman Neuman.

Q. What was the reason for these demotions?

A. We cut back on the production from a certain number of engines and we cut back in the help about 200 and I think we cut back 200 people all told. The consequence was, I suppose, that the Company felt that they did not need so many of supervision and they cut them back.

Q. What do you think about it? Do you think that the Company needed that much supervision after cutting off 200 people?

A. The men were doing the same job. They were cut to leaders but still had the same job as before, with the exception of one man whom we are going to transfer. He is going to move to another department. The other two were on the same job.

Q. Is it your position, Mr. Turnbull, that if you cut 200 workers out of a department that you should still keep the same number of foremen?

A. No, it doesn't seem feasible to me. We did not argue on it, because it was the logical thing to do.

845 Q. Wouldn't you, as a matter of fact, in a situation of that character, recommend to the Company that they cut back the number of assistant foremen?

A. I? No, no. I wouldn't recommend anybody to be cut back at any time. It is not my job to do it.

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Q. You don't think that is your job?

A. No.

Q. If you have too many men for the work in your department you would not consider suggesting to your superiors that the work could be done with less men?

A. Yes, yes, on that basis.

Q. Don't you think the same thing applies to the number of foremen?

A. Not with the foremen the way they are at the present time. They are still in charge of the same group. It is a little smaller but the point is that when we cut the foremen back like that he is cut back to a leader and if he gives orders then the Union gets on him right away. He mustn't give orders and we have to take another foreman over him if an order is needed.

Q. If you cut down the number of people you have working for you, you do not need as many foremen to supervise, do you?

A. Well, you still have to feed the line the same way.

846 It is difficult if you cut down the number of production and the number of workers. Every operation still comes through the same but maybe on a shorter basis. The job is still there for supervision.

Q. Do you need supervisors for that job?

A. They are doing that job but not getting paid for it.

Q. Do you mean that they have been demoted to leaders and are not getting paid as assistant foremen?

A. That is right.

Q. Were there leaders there before the men were demoted?

A. Yes.

Q. What happened to the leaders?

A. They are still on the line.

Q. So that when you cut back the assistant foremen to leaders you have more leaders than you had before?

A. Yes, one more leader.

Q. Is the work being done as efficiently as before?

A. Yes.

Q. There is no change in the efficiency?

A. Yes.



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Q. Then in your opinion, if you cut down the department fifty per cent, you will still need the same number of supervisors?

A. No.

Q. In case they did that would you make any recommendations?

847 A. Well, I wouldn't. It doesn't come as far as me, Mr. Dahling. When we come in there is a list of layoffs there with the number of people to lay off and the workers that are cut back, and also there is a list of supervision. That is decided by the superintendent and the division manager.

Q. You have mentioned this one case; does your superintendent ever discuss with you the matter of your supervisors?

A. Well, not to any extent, no.

Q. When you say "not to any extent," does he ever discuss it with you?

A. Well, I have the one man named Herman Neuman.

Q. Does he ever discuss these matters with you?

A. No, only this one man, he did discuss this with me. He wanted to take him off and claimed he wasn't capable and that he was getting old and felt he should be taken off supervision. So, he took him off and that is all there was to it.

Q. But he discussed that with you?

A. Yes, as a matter of fact, I discussed it with him. He wanted me to take him off and I told him that the man had been there for a number of years and I knew that he would like to go off, as far as he was concerned. I didn't like to hurt the man's feelings. I told him that if he left  
848 him on for a week or two maybe we could manage to get him transferred to the job where he came from in the Experimental Department and where he wanted to go back to. I wasn't successful and the man was taken off the job and is off the job at the present time.

Q. You say you never discussed that before with the superintendent, that is, this man's capabilities and that sort of thing?

A. No.

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Q. Where does the superintendent get his information?

A. He told me that Mr. Bird was at him to get him off, and that is all I knew about it. As far as I was concerned, I had no complaints from the foreman on the line about this man.

Q. Who is Mr. Bird?

A. Mr. Bird is in charge of the Aircraft Division on days, he is the head man on days.

Q. Now, Mr. Turnbull, I believe you stated that one of the principles of Unionism was this matter of seniority. Did you not?

A. Yes.

Q. Will you tell us just how that works, or better still, how it would work in case the foremen were given collective bargaining?

849 A. Well, we have studied it quite a bit at our Executive Board meetings and tried to work out what we figured would be something on a fair basis to work from. There are many points that come into the picture. Ability has got to enter into it, ability to do a job and the merits of the man would have to be considered, and the length of service as a foreman would be considered, and perhaps the length of service with the Company as a worker should be considered. We have tried to decide it along those lines and so far we have not come to anything that really is what we would say exactly satisfactory. I think the main thing on it is to take them on their seniority as a foreman, if it is possible at all. We have managed in most of these cutbacks—the superintendent or manager have managed to work along that line and we have not had many complaints, though we have lost quite a few foremen just lately. They seemed to work along that line and it worked fairly good.

Q. When you say seniority, that means length of service, doesn't it?

A. Yes.

Q. And that is something that is easily determined?

A. Yes.

Q. Whether a man had a job five or ten years?

A. Yes.

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Q. And when you come to the question of ability,  
850 who is going to determine that?

A. Well, the only way that it can be determined, in my opinion, Mr. Dahling, to get something agreeable, is to sit around a table and discuss that. It may be, for instance, that the Association thinks that one man should have it and maybe the Company will think the other man. If we had a grievance committee there and we sat down on an unbiased basis and talked about it in fairness, I think it would work out satisfactory. I have been consulted by quite a few foremen on cases like that and when I have analyzed the case right out and perhaps talked it over with one of our supervisors or superiors, we always managed to come to an agreement, so far.

Q. Of course, there is a possibility that the Union might not agree with management, is there not?

A. Yes.

Q. Then what would be your idea of what should be done?

A. Well, I suppose we would have to go fifty-fifty with them if we expect them to go fifty-fifty with us.

Q. And say that you came to an impasse and the Union took the position that "X" was the man who should be promoted or demoted and the Company said, "No, we cannot agree with it, 'Y' is the fellow we want"—

A. Yes.

Q. —where do we go from there?

851 A. Well, now, you could do it on the basis, the same exact basis as what the CIO does. They have managed it. We have had those cases come up and we have always managed to come to an agreement on it.

Q. Supposing you do not come to an agreement, what is the next step?

A. Well, sometimes you have to lose. If it was a very bad case, then it might develop into something more serious.

Q. When you say it might develop into something more serious, do you mean a strike?

A. If such a thing occurred, there might be a danger there. Then, we have to consider it this way, Mr. Dahling, we don't in Packard's make a flagrant example of it.

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Q. Mr. Turnbull, I am asking you as to what would happen in a specific case where you cannot agree.

Mr. Nelson: You are assuming the flagrant case?

Mr. Dahling: I do not know what a flagrant case would be. It would possibly be flagrant in the viewpoint of the Union if they did not agree with management in any way.

Q. (By Mr. Dahling): I am assuming top management does not agree with the Union. Top management says "Y" is a man of leading ability, leadership and all those other things that go to make up a good foreman. That is the man that we intend to put in this job. The Union  
852 says no, "X" is the man, he has been here four years longer than "Y" and in our opinion he has this ability, and so you are in disagreement. What is the solution of that disagreement?

A. Well, you can generally come to some compromise, you can sit down to a table and talk it out.

Q. But you have gotten beyond the point of compromise when you come to the situation I am giving you now. It is a flat disagreement between the Union and the Company?

A. Well, there could be the danger of a strike there.

Q. Yes, and strikes have been caused because of that, have they not?

A. I suppose so, yes.

Q. You do not know of any?

A. Not now.

Q. On the part of the CIO, do you know of any strikes because of that?

A. No.

Q. You mean not in Packard's?

A. No.

Q. Do you know of any other cases?

A. Well, just as the case of Paper Storage, not in any others, no.

Q. The fact that you disagreed with top management as to who could be promoted, could lead to a strike?

A. It is less likely with collective bargaining.

853 Q. I am not asking you that question, Mr. Turnbull. There would be a possibility of a strike, you would get to an impasse and the Company would insist upon

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promoting "Y" while the Union insisted that "X" should be promoted, and it might develop in a strike?

Trial Examiner Jaffee: He has already answered that. Why go over it again?

Mr. Dahling: I just wanted to be sure that he has answered it.

Trial Examiner Jaffee: Of course, he has.

Mr. Dahling: Then I am satisfied.

Q. (By Mr. Dahling): In short, then, Mr. Turnbull, as I get your testimony, you would figure that it was what the Union wanted and not what top management wanted that would control cases of that sort?

Mr. Nelson: I do not think he so answered it. I think he said the most they can do is reduce the number of possible disagreements, which I think is a perfectly honest answer.

Mr. Dahling: I would like an answer to that question, unless the Examiner rules it should not be answered.

Trial Examiner Jaffee: Is there an objection to it?

Mr. Nelson: I think he has already answered the question. I object accordingly, Mr. Examiner.

Trial Examiner Jaffee: I do not think he has answered that question. However, I will exclude it because I think it is objectionable on other grounds.

Q. (By Mr. Dahling): Now, we have been dealing with the question of promotions. The same situation would exist in cases of demotions, also, I take it?

A. Yes, only in the reverse order.

Q. And also in cases of transfers or discharges?

A. Yes.

Q. Mr. Turnbull, as a matter of fact, there are many different types of work in an automobile company, are there not?

A. Yes.

Q. And the foreman who may be in charge of one department could not supervise the work in another department?

A. That is correct.

Q. Some of the foremen are highly skilled mechanics, are they not?

A. Yes.

Q. Some of your foremen, such as the foreman of the

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sweepers, have no mechanical ability at all, is that not correct?

A. I do not think they have a foreman sweeper, even in the plant.

Q. Well, we will say foremen in charge of non-production departments, such as supplies, and that sort of thing?

855 A. Oh, yes, yes, there is a difference.

Q. You happen to be a skilled mechanic, Mr. Turnbull, do you not?

A. Yes, sir.

Q. And consequently, you would be in a position to be a foreman over a department which had workers in it who do that type of work, you are capable of doing it?

A. That is right.

Q. And there are foremen whom you know who would not be capable of supervising that work, because of their lack of knowledge of that work?

A. Yes.

Q. So it is not a question of transferring men indiscriminately in departments?

A. Oh, no, no, you couldn't do that.

Mr. Dahling: May we have about sixty seconds for a little conference here?

Trial Examiner Jaffee: Yes, you may.

(Discussion off the record.)

Trial Examiner Jaffee: On the record.

Q. (By Mr. Dahling): Mr. Turnbull, we were discussing at the last session this matter of Union principles, and your loyalty to your Union as a Union man. You believe in those principles, do you not?

A. Yes.

856 Q. Were you ever a member of the UAW?

A. Yes.

Q. You were loyal to the UAW at that time, at the time you were a member, were you not?

A. Yes.

Q. Do you still feel any loyalty to that Union at the present time?

A. No, just a respect for their Union. I have no loyalty to it because I have a withdrawal card.



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Q. Because you are not a member of that Union any more?

A. That is correct.

Q. You are in sympathy in the aims of the UAW, that is, the Union aims?

A. With its principles, yes.

Q. Do you, as a foreman, have any loyalty to the Company?

A. Oh, yes.

Q. Do you feel as a foreman that you really should be loyal to the Company?

A. Absolutely.

Q. Where, as between the Company and the Union, does your greatest loyalty lie?

Trial Examiner Jaffee: I am going to exclude that question unless you make it specific. I think the question is so broad that any answer would be simply a vacuum without some specificity.

857 Q. (By Mr. Dahling): If the Foreman's Association of America decided to have a strike and you felt that the strike was unjustified, what would you do?

A. I would tell them so very quickly.

Q. Regardless of your telling them that, if the majority voted to strike, what would you do?

A. I would go with the majority.

Q. You would feel there that your loyalty to the Union would be greater than your loyalty to the Company?

Mr. Nelson: I do not think that is a proper question.

Trial Examiner Jaffee: Nor do I.

Q. (By Mr. Dahling): Mr. Turnbull, if the UAW decided to come in and organize the foremen at Packard's and secured a certain number of members from the ranks of foremen at that Company, you would remain loyal to the FAA, I take it?

A. Yes.

Q. Would you fight the organization of a rival union among the foremen?

A. Yes.

Q. When you say you would fight it, what would you do?

A. I would do exactly the same as what was done during

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the factional fight of the CIO. I stayed with one side and I battled it out on the floor at the meetings.

Q. I suppose in cases of that sort a great deal of  
858 discussion goes on in the plant itself when you have a fight of that sort?

A. Well, there was in the days of the CIO, but we don't run into that sort of thing now.

Q. You do not run into it with the CIO?

A. I mean, with the Foreman's Association.

Q. Do you take the position, however, that it is impossible for some other organization to attempt to organize the foremen?

Mr. Karasick: Mr. Examiner, I would like to note an objection on the record at this point. I have refrained from objecting prior to this time because I hesitate in any way to interfere with the latitude of counsel's examination. But you will note the questions have been leading up to this point, all dealing with the sheerest forms of speculation. I do not think it is helpful to the Board and I think the Board has a realistic knowledge of labor relations and it would not help them to be told what a particular witness would do in a particular situation. Anything might happen. The sun may not rise tomorrow, but we are not interested in that here. We are interested in a specific question at the Packard Company. The question of possibilities and probabilities when they reach the realm of speculation, are of no help nor aid to the Board in this proceeding.

859 Trial Examiner Jaffee: Of course, it is very easy to apply the adjective speculation to something, and I suppose the short answer to your remarks, Mr. Karasick, is the fact that we are interested in the future as well as the past and present. I assume, among other things, we are interested in industrial peace from now on. I agree there is an area somewhere that when a matter becomes so speculative it is unwise to receive it for several reasons. It is hard to draw the line. If I am in doubt, I usually let it come in, and this is one of those cases.

Mr. Karasick: I would like to call your attention to the fact that this last question asks if there is a possibility for

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the Foreman's Association of America to have factionalism in its midst. Everyone knows the answer, to that, it is obvious.

Trial Examiner Jaffee: The short answer is, that sometimes you have to ask an obvious question, or a more or less obvious question, as the basis for the next question. He may answer.

Mr. Dahling: May we have the last answer read?

Trial Examiner Jaffee: Will you read the answer, please?  
(Question read.)

860 Q. (By Mr. Dahling) We may have an answer to that question, then?

Trial Examiner Jaffee: Yes.

The Witness: Would you repeat the question for me, please?

Trial Examiner Jaffee: Read the question.

(Question read.)

Mr. Nelson: May I make an observation? I have not entered or made an objection. I am well aware of the speculative nature of the question. How can the witness be expected to answer his question of factionalism and dual unionism unless he had the specific issues—

Trial Examiner Jaffee: Mr. Nelson, do you or do you not object? I do not wish to get into any discussion.

Mr. Nelson: I do.

Trial Examiner Jaffee: Objection is overruled. The witness may answer. Let's get ahead here. Suppose you ask the question again.

Mr. Dahling: The question was along this line: Whether in your opinion it would be impossible for some other outside Union organization or some of the members of the present Union to decide that they were going to form another union among the foremen.

The Witness: It wouldn't be impossible, but as long as we have a membership as we have, they have a  
861 very poor chance of going far with the case.

Q. (By Mr. Dahling) Your answer is, then, that it would not be impossible, I take it?

A. Yes.

Q: And that has happened in connection with other so-called independent unions, hasn't it?

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A. I don't know of any specific ones.

Q. Do you recall what happened to the Technical Employees Union at the Packard?

A. No, I don't know what happened there, Mr. Dahling.

Q. Well, we will say then, that an effort was made on behalf of the other foremen by the other foremen to set up a rival union to the FAA and one of your foremen, who was a member of the FAA, got into a discussion or argument and tried to influence one of the other foremen from joining the new union. What would you do about it?

A. Well, he would be called in one of the executive board meetings and charges preferred against him for practicing dual unionism and he would have to be dealt with according to the mandate of the executive board.

Q. I do not think you understood my question, Mr. Turnbull. I said that if a member of your Union, the Foreman's Association of America, tried to persuade one of his brother foremen from going into the rival union,

what would you as a foreman, do if you knew about  
862 it, or if it was called to your attention?

A. I would try to dissuade him myself.

Q. In other words, if there was a rival union started up among the foremen at Packard's, you would attempt to dissuade any of these foremen who are now members of the Foreman's Association of America from going into the rival union?

A. Yes.

Mr. Dahling: No further questions at this time.

**Redirect Examination.**

Q. (By Mr. Nelson) You have in Packard at the present time four grades of foremen which you desire to have included as the appropriate bargaining unit under the Order of the Board in this case?

A. Yes.

Q. General foremen, foremen, assistant foremen, and special assignment men?

A. Yes.

Q. You have referred to special assignment men. You referred to one that came into your department on some event the other day. What is a special assignment man?

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A. A special assignment man—most of them have to do with the inspection end of the job. If we run into a difficulty with any part not coming right, the special assignment man will check on that job and trace it through to the original operations where the trouble is involved. Then, he will check with the persons involved, the foreman or superintendent of the division and see that the job is rectified and the material starts to flow through correct for us to work with.

Q. As I understand your answer then, the man is specially qualified?

A. Yes.

Q. Either by experience or training or both, he is specially qualified?

A. Yes.

Q. Is he specially qualified in only one department or is he an over-all man, equipped to go into any department or any number of departments in the factory?

A. Most of them do go to any number of departments and follow the job. It may involve a part that is manufactured in three or four departments in the course of manufacture. He would go right to the source of the trouble.

Q. Wherever it led him he would follow?

A. Yes.

Q. Into however many departments?

A. Yes.

Q. And therefore, he would appear to be a more broadly specialized man than we will say the average foreman?

A. Yes.

864 Q. Or even the average general foreman?

A. Yes. He gets a picture of the over-all manufacture of the job.

Q. He would have, then, something beyond the general foreman's training and ability?

A. Yes, along a different line, however.

Q. Presumably, he is a man who is waiting somewhere to be drawn on—that is, he is in reserve waiting on trouble?

A. Yes.

*Testimony of Robert F. Turnbull*

Q. Unless he is actually engaged at it?

A. Yes.

Q. Do you have in mind how many of these men there are at the Packard factory—special assignment men?

A. I could not say that offhand.

Trial Examiner Jaffee: I would like to know before the hearing is over, how many employees are involved in the categories the Union desires and how many are in each.

Mr. Karasick: May I call the Examiner's attention to the fact that Board's Exhibit 21, report of the investigation, is a breakdown of each classification by numbers and gives the final total.

Mr. Nelson: This witness has fixed the number desired at something over 800, I believe. There is a statement in the record by this witness to the effect that there are 868 men.

865 Mr. Donovan: Special assignment men?

The Witness: No, over-all.

Mr. Nelson: The Examiner's question was not confined to special assignment men.

Mr. Donovan: I thought the Examiner asked him how many special assignment men were involved.

Mr. Nelson: The Examiner wanted to know how many men all told were included—

Mr. Karasick: Board's Exhibit 21 comes from the Company's payroll submitted for the check. That is the ultimate result of this report.

Mr. Donovan: Will you indulge me for a moment while I ask the Board's counsel a question off the record?

Trial Examiner Jaffee: Off the record.

(Discussion off the record.)

Trial Examiner Jaffee: On the record.

Q. (By Mr. Nelson) Pursuing the inquiry about special assignment men a little further, Mr. Turnbull, you have actually had experience with these men coming into your department?

A. Yes.

Q. In your department where you have been acting as a foreman?

A. Yes.



*Testimony of Robert F. Turnbull*

866 Q. Through whose office do you enlist the aid of special assignment men? Who do you apply to when you want one?

A. There is generally one assigned to a department and you just go and get him right away if he is handy at all.

Q. Suppose he would be busy at that time?

A. Well, then, you would just check with the various foremen or people around and search for him to get him.

Q. In other words, you would exhaust the possibilities of getting a special assignment man for your department?

A. Yes.

Q. Assume that you could not get him, that he was ill, away or busy and could not be deflected from that work?

A. Then you would report—I would report it to the superintendent and let him take care of it from there on. He might assign some other man to take care of it or call one from another department.

Q. Or call somebody out of that department similarly qualified for the time being?

A. Yes.

Q. The superintendent could do that?

A. Yes.

Q. Could you do that?

A. No, I couldn't do that exactly. I might call—if I knew the division where the part was manufactured or coming from that was giving trouble—I might call 867 over to that department and ask them to send a man over to check on it for their own safety and they would send a special assignment man.

Q. Are these special assignment men recruited from the ranks of foremen, generally speaking?

A. Yes, they have the same rating of pay as foremen or general foremen.

Q. Now, which is it, the foremen or general foremen?

A. They have the two ratings. Some are general foremen and have that rating and others are foremen and have that rating, that is, I understand it is so.

Q. Who raises or selects them, whichever you want to call them, from the ranks of foremen to the special assignment designation? Who does that?

A. As far as I know, it is being done by the division

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manager. I may be wrong on that because I certainly do not have anything to do with it. It is certainly above me and I imagine the division manager has the say in that.

Q. Who determines whether the special assignment man is to get a general foreman's pay and rank or a foreman's pay and rank?

A. I could not tell you that.

Q. But you do know that some rank as general foremen and some as foremen and that they are paid accordingly?

A. Yes.

868 Trial Examiner Jaffee: Do all general foremen get the same base pay?

The Witness: There are a few exceptions, such as the tool room. Of course, that is a high rate and I believe I know of two other exceptions, but that is about all. I know throughout the place—

Q. (By Mr. Nelson) But this general foreman—general foremen have the same rate of pay?

A. Yes.

Q. Is that true of foremen generally speaking?

A. Yes.

Q. And of assistant foremen?

A. Yes.

Q. And there are, I suppose, exceptions—a few exceptions to each of these statements?

A. Yes, a few isolated cases.

Q. Where there are some special circumstances or reasons?

A. Yes.

Q. As for instance the tool room?

A. Yes.

Q. What about the tool room? Is that a highly specialized type of knowledge and is there a highly specialized type of supervision required there?

A. It is not only that, but the skilled workers there have a higher rate of pay themselves. The production or

869 regular rank and file workers have a higher rate of pay than the ordinary production man on the line.

Q. In other words, tool makers are highly skilled people?

A. Yes.

*Testimony of Robert F. Turnbull*

Q. And supervision of them requires a proportionately higher skill?

A. Yes.

Q. The special assignment man, does he have any supervisory powers? That is, does he bring a crew with him that he supervises, or does he come to your department with power to supervise the men already there?

A. As a rule, he comes in by himself.

Q. Without a crew?

A. That is right.

Q. That is generally speaking?

A. Yes. Now, it may be that we have occasion to have a foreman absent for some reason, such as a vacation period, and one of those special assignment men will assume the foreman's duties over a certain line. Then again, on such a thing as a job not being run correctly, he may, as I say, go to another division and supervise that job or watch it until that job is running correct. If such a thing were to happen, the foreman wouldn't change that job. He would immediately report that he is in a position to a certain extent where his word is law—that is, 870 where it comes to a job being rectified.

Q. It is similar to a doctor's orders in cases of illness or difficulties?

A. Yes.

Q. Then he would have, to some extent, supervisory powers wherever he steps in to remedy a situation?

A. Yes.

Q. He could direct the workmen present to help him?

A. Yes, he would most likely go and get the foreman and direct the foreman.

Q. Give orders to the foreman in charge?

A. Yes, and discuss it with him.

Q. In sort of a coordinate or authority with the foreman, as you describe it?

A. Well, we call them more trouble shooters.

Q. But he can and does give directions?

A. Oh, yes.

Q. Then when the matter is remedied, is it true that he generally withdraws?

*Testimony of Robert F. Turnbull*

A. Yes.

Q. And returns to wherever he came from, or some other job?

A. That's correct.

Q. You have indicated that he not only comes in cases of difficulties of some kind, but he is sort of a supply  
871 man if a foreman is sick or on vacation, or something of that kind?

A. Yes, he fills in.

Q. And according to your description, apparently he is a man so qualified that he can do that over a fairly wide range of duties and responsibilities?

A. Yes.

Q. Is that a correct description of it, Mr. Turnbull?

A. Yes.

Q. I do not want to put anything in your mind if I am wrong.

A. No, in any case, that is just about a correct picture of it.

Q. Suppose you give us a couple of the names of those men, so the Company can check your testimony.

A. Mr. Tom Pawlowski was taken off and put on special assignment work for awhile and now he is being put back as foreman, I think, in a shipping department, Department ND just recently. And we have another man, Al Poyser. Al fills in any place like that. I have seen him come in even on nights when my superintendent was away. He would come in and help me on anything like that when he is on special assignment. If we run into difficulty, he is one of the first men we call.

Q. Did he, on this occasion you have in mind, assume duties of the superintendent in the absence  
872 of the superintendent?

A. Yes.

Q. He did?

A. I would say he did.

Q. As I understand it, he not only can come on down the line and act as assistant foreman, foreman or general foreman, but he can sometimes perform the duties of the superintendent?

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A. Yes.

Q. And he has done so, to your knowledge?

A. Oh, yes.

Q. Do you have in mind the length of service of either of these men at Packard?

A. Yes, Tom Pawlowski has got ten years and I think Al Poyser came here in 1941. He came over right from the Rolls Royce plant at the start of the job and has worked with us ever since.

Q. Then he has a long service in the plant of the Rolls Royce but not so long at Packard?

A. That's right, but he is a specialist in that line of work. In fact, I am not quite sure, but there was some situation when he come over here, but he is one man even on strike, when we were on strike, we did not ask Poyser out because he had something to do with the British Air Corps.

Q. Among special assignment men themselves, do  
873 they have certain ranks and powers other than the two you have indicated, the ones that take the position of lower foremen and the ones taking the position of general foremen? Do they all rank alike, as far as you know?

A. As far as I know, there are just the two ranks.

Q. Of special assignment men?

A. Yes.

Q. I think you have said here that on occasions your recommendations with respect to other foremen have been overruled or disregarded, is that correct? Or was it with respect to maintenance and production workers in recent months?

A. It must have been production workers.

Q. Do you have in mind a couple of previous instances of that where your recommendation as general foreman has been disregarded?

A. In rank and file men, you mean where I have tried to recommend them for a change of job?

Q. A change of job or something that you recommended, as you thought, for the good of the production and of the Company where it has been disregarded?

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A. Yes, we had a man, I remember, on the cam shaft line we wanted to put one man in charge of that line that we thought was more capable than the other man, but we weren't able to do it because of the steward. I can't  
**874** remember that man's name offhand. I just can't remember his name. It was Al something; he has quit now.

Q. How long ago was it?

A. Oh, three or four months ago.

Q. You say "We wanted" to do so-and-so. Whom do you mean?

A. Well, Mr. Nelson, I can't make those moves until I discuss it with the superintendent. In fact, I always make it a point of letting the superintendent know about those things.

Q. But you say "we", you meant yourself and the superintendent?

A. Yes.

Q. Now, I would like to have you tell us, Mr. Turnbull, something about the relations among the levels of foremen there. Let us take the assistant foreman who come in on your job, we will say. What are his contacts with the man immediately above the foreman? He comes on the job that day and what is the first thing he does?

A. The usual way, before we start out we will read the report that is left from the other shift.

Q. By "we" you mean the assistant foreman reads it too?

A. I first—the superintendent will read it and then I will and I will point out the various places where the men should read. There may be a note about one line  
**875** here and another note about another line down here.

Q. That is to say, it may refer to different particular foremen's jobs?

A. Yes.

Q. Not all of the report is interesting to all foremen?

A. No, not all of them.

Q. You mean just part of it for particular foremen?

A. Yes.

Q. If the superintendent reads it, then the general foreman reads it?



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A. Yes.

Q. Then, do you go over the head of the foreman or assistant foreman or—

A. (Interposing) No, I show that to the foreman, then he takes it out and he tells his assistant foreman and his leaders, whoever he needs to for that correction to be made, or whatever the job is.

Q. Whatever in that assistant foreman's section is needed, he gets off of that report?

A. That's right.

Q. What is the next thing the assistant foreman does?

A. He contacts his foreman, as a rule.

Q. Then he goes on the job?

A. Yes.

Q. And is he next to the men, the workers?

876 A. No, there is a leader.

Q. As far as supervisors are concerned, he is the nearest man to the men who work?

A. Yes.

Q. What does he do during the day? Is he in the office or on the shop?

A. No, he is very, very seldom in the office, unless there is some little report he has to make up, perhaps, but he is never in the office for any writing, or anything like that. He stays out on the floor and supervises the job.

Q. In the normal course of the day, does he see the superintendent or the division manager?

A. No.

Q. He has no occasion ordinarily to go to their offices?

A. No.

Q. Does the superintendent or the division manager ordinarily have any occasion to go, or do they go, to the assistant foreman's place in the shop?

A. No, unless he asks—unless he walks around the department and speaks to him.

Q. That would be occasional or would it be habitual?

A. No, just occasionally.

Q. During the course of the day, does the assistant foreman have any further contacts with his foreman, ordinarily?

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877 A. Well, with his foreman, yes.

Q. And this foreman has, on the average, about how many assistant foremen under him?

A. Generally, just one.

Q. What would be the contacts in the course of the day between the assistant foreman and the foreman?

A. Well, just on the progress of the job. For instance, there may be one job where they have to move a person, or get so many parts made here, or if some part is not fitting like it should and they will have trouble in the inspection department to get it through, or if there is a shortage of stock, or perhaps if a man wants a leave of absence and ask his assistant foreman, he, in turn, will contact his foreman.

Q. Does the assistant foreman make any written report in the course or at the conclusion of the day?

A. Except perhaps he will make a written report of the number of people that are absent, or something like that. Each group has a form that we use in our department and they write down the names of those absent so we can make a check on that absenteeism.

Q. To whom does he hand that?

A. To his assistant foreman.

Q. Is this about what the assistant foreman does during the day?

878 A. Yes.

Q. Spends his time there with the men and has these contacts you described?

A. Yes.

Q. Let us take the foreman now. He comes in and he has this man and so many machines and men under him. What are his contacts?

A. Of course, he has his contacts with his assistant foreman and he is generally around in the group and if he runs into a difficulty, something that he can't handle himself or thinks it is perhaps a little serious, he will report that to the general foreman.

Q. Is he out in the shop among the men most of the day or in the office?

A. Yes.

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Q. Which one?

A. He is out in the shop all the while. They have a little metal desk at each sub-assembly station and he does his little bit of writing there.

Q. You indicate some little desk about two feet wide, or something like that?

A. That's right.

Q. Is there any great amount of difference between what the assistant foreman and the foreman does in the course of the day?

879 A. Not a great deal.

Q. Then, apparently, it is mainly a difference in the authority that they possess?

A. Yes.

Q. One is just the superior of the other?

A. That's correct.

Q. They are doing about the same thing all day, apparently?

A. Yes, only this, the foreman has to assume a little more responsibility on giving advice.

Q. The foreman has more than one assistant foreman, let us say, then, in actual physical territory, his authority would extend further than that of the assistant foreman in some cases?

A. That's correct.

Q. But in some cases the physical area, the authority is exactly the same as the assistant foreman's authority, that is, between the foreman and the assistant foreman?

A. Yes.

Q. Now, let us take the general foreman. You have indicated he gets this report from the superintendent of the previous shift. What does he do next? He gets that and passes it down the line?

A. Yes.

Q. What does he do next?

880 A. The usual rule is to contact each foreman out on his sub-assembly line and see how he stands for help or for absenteeism, rather, and very often he has to go to one foreman and ask him to give him two or three men.

Q. He uses his authority to equalize the equipment?

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A. To equalize the labor-load.

Q. Does his authority go any further as to machines and materials?

A. When you have your labor-load, then you check with each foreman and ask him if there is any shortage of parts. The foreman will know that. The general foreman will tell him to let him know when the pieces come in. Perhaps you will get in enough to last for one or two hours and you have to wait for more to come in. In other words, I will say to a foreman, "How many pieces of this do you have?" And he will say, "Twenty." That's enough to last him, we will say, for two hours. At the end of two hours I will tell him to let me know if those parts come in.

Q. Does the general foreman make any written reports during the day?

A. No, outside of leaving a note for the next shift, not to any extent.

Q. Does he see the superintendent during the course of the day?

A. Yes.

881 Q. When and on what occasions?

A. Well, say I had gotten into a difficulty, a shortage of parts, I would confer with the foreman of the stock division and find out how long those parts would be—how long it would be before they would come in, and if it was a case where we were going to be tied up for a half hour, I would report that immediately to the superintendent.

Q. Does the general foreman spend his time in the shop among the men or mainly in his office?

A. Most of his time is spent on the floor.

Q. Of course, a man's duties might control that, to some extent?

A. Oh, yes.

Q. If he can make better progress on the floor, he goes on the floor, is that it?

A. If his labor-load is good and the parts are good, it is a little easier on the general foreman. If his labor-load is not good and the parts are not coming in, you have to watch all the while. If our parts don't come down—well, we have to see that these parts must come off the sub-

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assembly lines to meet our main line coming down, so we have to watch pretty close.

Q. Do you make a written or oral report on the hour?

A. We have a girl that comes around and takes a count of the number of parts done at each station, then she calls that up to the head-man on the night shift, I think it is, and it is run on a teletype and put on a big blackboard, so we can all watch it all the while.

Q. (By Mr. Nelson) Mr. Turnbull, you have indicated that the information concerning the day's operations, the suggestions originating with the foremen, comes through the foreman, through the general foreman up to the superintendent?

A. Yes.

Q. Now, let's take another subject matter, not the operation of the plant, but the relation of these foremen to each other. You have indicated that they have authority in the order named there as vested by the Company?

A. Yes.

Q. Now, let's assume a wholly supervisory situation where the only thing involved are the relations of these four classes of men to each other. Can an assistant foreman by-pass his foreman and general foreman and go directly to his superintendent?

Mr. Donovan: May I have that question, please? I tried to get it and I couldn't.

Mr. Nelson: I said, can the assistant foreman in matters relating only to foremen and not relating to the day's operation—relating to the relations among the foremen, can an assistant foreman by-pass his foreman and general foreman and go directly to the superintendent? Let's assume a case where he wants a raise or something or a case where he wants to complain of either the foreman or general foreman.

Mr. Dahling: I wonder if this witness is qualified to answer for the Packard Company generally. He can only answer as to his own experience.

Mr. Nelson: If you don't know, tell us so. If you do know, I want your answer.

The Witness: It can be done, yes.

*Testimony of Robert F. Turnbull*

Q. (By Mr. Nelson) Let's assume a case where an assistant foreman desires to complain of the general foreman.

A. If he wanted to complain of the general foreman?

Q. Let's assume that, whether right or wrong.

A. He could go to the division manager, yes.

Q. And go right by the foreman?

A. Well, he would likely tell his foreman.

Q. Now, if the general foreman was the object of the complaint, must he also tell the general foreman, or can he by-pass him and go to the superintendent?

A. Well, there is no set rule, Mr. Nelson.

Mr. Donovan: He said he could go to the division manager.

Mr. Nelson: That is right, division manager.

The Witness: Yes.

884 Q. (By Mr. Nelson) He can by-pass a man above him in supervision as to whom he has a complaint?

A. As far as I know, there is no set rule. I have never really had an occasion like that.

Q. You do not know of any incident like that?

A. No. I have always tried to tell these fellows that the place has to operate like an army and that he should go to his superior in every case. The department goes more smoothly. In running the department, those things do happen. In one division, they have what is called a nickname among us, a "Gestapo" to look after what the foremen do. It is the D Division. The foremen complain that the manager in that division has a real Gestapo force.

Q. They report directly to him?

A. Yes, like a lot of little stooges.

Q. What is the D Division.

A. The machine division.

Q. Who is head of that?

A. A man named Crawford.

Q. You mean to indicate by that answer at least, in the D Division that the assistant foremen may and do by-pass the foreman and general foreman and go directly to the division manager, namely Crawford?

A. Yes.



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885 Q. Has that been a matter of some time, or is it just a short incident?

A. We claim that 90 percent of our discharges are with that manager alone—of foremen—he fires them on a minute's notice and we never know what is happening over there.

Q. You mean to indicate by that that the foremen likewise would disregard the general foreman and go straight to the division manager?

A. That is the way they seem to operate over there.

Mr. Donovan: What was the answer?

Mr. Dahling: Over there is the D Division?

The Witness: Yes.

Q. (By Mr. Nelson) How big is Division D?

A. It is a fairly large division. I don't know just how many are in it now but it is a big division.

Q. It is one of the largest divisions in the plant?

A. Yes.

Q. And you say that you have troubles and complaints that originated in that division? Is it of the supervisory force or the maintenance and production workers?

A. In the supervisory there are also complaints there.

Q. That is where you have trouble?

A. Yes.

Mr. Donovan: Just a moment. I will ask that that last question and answer be excluded and I object to it.  
886 I think it is too general. The word "trouble" has a connotation on the record which is not justifiable against the Employer. If he wants to get specific incidents and explain what he means by that—

Mr. Nelson: (Interposing) All right, I will.

Mr. Donovan: The witness said that there was no set rule to his knowledge. And it is confined to one department. If he is telling us about generalities, he said that there was no set rule.

Trial Examiner Jaffee: He is telling us about Department D and that is not a generality.

Mr. Donovan: What does the word "trouble" mean? That has not been defined and I cannot relate it to the original question.

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Trial Examiner Jaffee: I can relate it to the previous answer and I do not see how else you can relate it.

Q. (By Mr. Nelson) Counsel has suggested that I have you illustrate what you mean by "trouble". I know you cannot take too many of them, but will you pick out one incident and illustrate what you mean by the word "trouble"?

A. Yes. We had a foreman fired there three weeks ago and another man brought out of the previous department or division where this manager was in, to take his job. He was given notice, to my understanding, at five o'clock on Friday night and he was out—

887 Mr. Donovan: (Interposing) I will ask that the answer be stricken. He says "To my understanding". We do not know—

Mr. Nelson: (Interposing) He is an officer—

Mr. Donovan: (Interposing) I would like to register an objection against the question.

Mr. Nelson: Do you have to do with the handling of these incidents?

The Witness: We hear the case and we investigate every case that comes up.

Mr. Donovan: On this question that I objected to concerning the word "trouble" the trouble apparently is—I am at some loss to define it myself—is that it is a complaint by this witness, a grievance, if you like, or something of that kind, that the foremen were having trouble with or complaining about now. Or rather, that this witness is from the witness stand. Apparently it is a complaint that some of the supervisors do not go to their immediate supervision or superiors but by-pass them. Their grievance in that respect before the War Labor Board Panel was that they did not have any access to higher supervision. That is an additional reason. I want to know what he means by the word "trouble". I think he means a complaint of some kind. If it is a complaint, it is one hundred percent different from the complaint before

888 the War Labor Board Panel where they claimed that no foreman could get to higher supervision.

Trial Examiner Jaffee: The witness was asked what he means by the word "trouble". The answer may remain.

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Q. (By Mr. Nelson) Using the word "discipline" in its very broadest sense, Mr. Turnbull, may a foreman of the lower rank outrightly discipline a foreman of a higher rank?

A. No.

Q. May he initiate such discipline by complaint or complaining himself or giving information to somebody higher than the higher supervisor? For instance, can assistant foreman go to the superintendent or division manager?

A. No, not on that way, I wouldn't say.

Q. He must go through the regular routine?

A. There is really no set rule on it at all but it is generally practiced that way.

Q. The practice is to do it—

Trial Examiner Jaffee: (Interposing) The practice is to do what?

The Witness: The practice is for the assistant foreman to take his complaint to the foreman.

Trial Examiner Jaffee: Suppose it is a complaint about the foreman.

The Witness: He may go to the next in line, the general foreman.

889 Q. (By Mr. Nelson) Now, when the assistant foreman, we will say, brings in some matter, a complaint, we will say, to his foreman and then to the general foreman, may the general foreman stop that complaint right there, or must he pass on unless it is resolved?

A. Well, he would pass it on.

Q. He would pass it on?

A. Yes.

Q. If it is not resolved?

A. Yes.

Q. However, it may be one of the kind that he can solve?

A. If it is one that he can solve—a small thing, he would solve it.

Q. If it is more than that, he must pass it on?

A. Yes, such as a change of rate.

Q. Or the hiring or firing or demotion or a layoff?

A. He would have to pass that on.

Q. Or a permanent transfer?

A. Yes.

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Q. He would have to pass that on to higher supervision?

A. Yes.

Q. You are referring now to a general foreman?

A. Yes.

Q. Now, I wonder if you have given us in the examples you have just related of a day's work of each of these levels of foremen, the extent of the consultations there are among them? In other words, how frequently during the day does the assistant foreman consult with the foreman and the foreman with the general foreman?

A. Well, the assistant—

Mr. Donovan: Are you asking him with reference to his own department?

Mr. Nelson: I am asking him with reference to his own knowledge and that would necessarily be somewhat limited to his department.

The Witness: The assistant foreman, of course, confers with his foreman quite frequently because as I say, every hour a record is kept of the production. It is not necessarily every hour that the foreman would come to the general foreman because the report comes in on the teletype. If production were down on his station, then the general foreman would be contacted immediately as to the reason why. If his stuff is running good he might not talk to that foreman all night or all day.

Q. In other words, the smoother it runs the less consultation and the tougher it is the more consultation, apparently?

A. Yes.

Q. Outside of that which you have mentioned in this testimony here, the foremen's meetings at which a representative of the Company—

891

A. (Interposing) Yes.

Q. (Continuing) —talks on a stated subject selected by the Company to the foremen?

A. Yes.

Q. Do I understand again that the foremen of all four grades attend that school together?

Trial Examiner Jaffee: It has been at least four times.

Q. (By Mr. Nelson) Is that correct?

*Testimony of Robert F. Turnbull*

A. Yes.

Q. Is there any other consultation among the foremen in the plant than the consultation among them that you have just now mentioned—I mean outside of the Association?

A. Yes, sometimes the division manager might call the foremen—a meeting of the foremen in his division to discuss some new idea that is going to be put into effect, or some problem along that line.

Q. You say "sometimes." Will you give us that in a little more concrete material?

A. The last one I was at was a matter of when that maintenance strike was on—six weeks ago, I think—at that time we were all called to the division manager's office and we discussed the War Bond Drive that we had on for one thing. And then we discussed ways and  
892 means of handling grievances and we also discussed the new penalties being put into effect by the Company and the revised edition and things like that that are usually discussed. Some divisions have those meetings more frequently than others.

Q. You indicated you were to one six weeks ago. Can you remember how long before that you had been to one?

A. I have only been to two that I can remember since last March.

Q. Two in some nine months?

A. Yes.

Q. Some nine or ten months?

A. Yes.

Q. Is that about an average in your experience?

Mr. Donovan: He has already testified that they vary by departments. That has all been over and covered.

Q. (By Mr. Nelson) Is that your average experience or is that more frequent or less frequent than they have been in your experience in the factory?

A. That is about all we have. They are not more than once every three months anyway.

Q. What would you say as to other parts of the factory, so far as your information goes?

A. Some have as many as every two weeks and some

*Testimony of Robert F. Turnbull*

even more. I understand that it is a division manager's problem and he runs it whatever way he wants to handle it.

**893** Q. Then there is nothing to stop him from having frequent conferences with supervision in his division if he wants to that you know of?

A. Yes.

Q. What about the D Division? What is your information with respect to conferences in that division?

A. The men complain that he has them in there very, very frequently.

Q. You mean supervision?

A. Yes.

Q. Supervision meetings in the division manager's office in the D Division?

A. Yes.

Q. By "very frequently" what do you mean specifically?

A. Once a week or so.

Q. A moment ago you said something about discussing a grievance with your division manager on one of these meetings—I think it was the one you said six weeks ago.

A. Yes.

Q. Were you at that time an officer of the Association?

A. Yes.

Q. Was any officer of the Association present other than yourself?

A. Yes.

Q. Who?

**894** A. No, wait a minute. I am wrong about that. He is an inspector—

Q. (Interposing) Then you would be the only officer?

A. Yes.

Q. Practically all the people at the meeting with the division manager were supervisors?

A. Yes.

Q. And members of the Association?

A. Yes.

Q. Was reference to the Association made at that conference?

A. No.



*Testimony of Robert F. Turnbull*

Q. Did you, in fact, go into any specific grievances or was it just grievances in general that were discussed?

A. No, it was a discussion of the grievances involved in a department. The discipline to be put into effect in the department to run the department correctly.

Q. As among foremen or between foremen and their workers?

A. No. As between workers and foremen.

Q. Mr. Turnbull, prior to this election, were you present at any meetings with representatives of the Packard Company?

A. No, not prior to the election.

Q. After the election, were you present at any meetings with officers of the Packard Company?

A. Yes, some well after.

895 Q. Did you at those meetings discuss grievances or methods of handling grievances of foremen?

A. No.

Q. Have any grievances been handled, to your knowledge, as to foremen since the election with the officers of the Company? That is, in fact, have you met with the officers and discussed grievances and arrived at solutions?

Mr. Donovan: Just a minute. I think the witness just answered that there were no discussions in meetings that he said he knew of.

Mr. Nelson: Yes, in that particular one. I am asking about any particular others. In other words, has the Company actually sat in fact with officers of the Association and either discussed grievances or provided means for solving grievances since the election?

Trial Examiner Jaffee: You mean as officers of the Association?

Mr. Nelson: No, I don't mean that, not yet. Just the point of fact as to whether the Company sat with the representatives of the Association and solved grievances.

Trial Examiner Jaffee: Let's say with men who were representatives of the Association.

Mr. Nelson: Yes.

The Witness: A grievance committee together with myself—

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896 . Mr. Donovan: Just a minute, I object to this question because I think it is irrelevant. The Trial Examiner will recall the testimony as to the Foremen's Training School. As the Trial Examiner said, undoubtedly, there were members of the Foreman's Association present at those meetings. There were, no doubt, representatives of the Foreman's Association there and they were representatives of the Foreman's Association in the sense that they were officers. I don't understand what the relevancy of this is.

Trial Examiner Jaffee: He may answer.

The Witness: The grievance committee, together with myself, were called back in to the plant just after the strike took place and we met with Mr. Floyd Bird in his office.

Mr. Donovan: I think the date should be fixed.

Mr. Nelson: There has only been one strike there.

Mr. Donovan: There has been more than one.

The Witness: He asked us what our demands were.

Mr. Nelson: Mr. Donovan insists that you fix the time.

Mr. Donovan: I want to know whether you are talking about the strike in January of the foremen or the strike of April and May?

The Witness: The strike took place in May; May 5th, I think it is, was the first day of the strike.

897 Mr. Donovan: 1944?

Mr. Nelson: The Packard supervisor's strike in 1944, May, 1944.

The Witness: In May, 1944, at 9:30 P. M. was when we went into a meeting with Mr. Floyd Bird.

Q. (By Mr. Nelson) And it was immediately following that that the strike was called off?

A. No, it was immediately following the strike that the meeting took place.

Q. Tell us what was said.

Mr. Dahling: Mr. Examiner, I repeat my previous objection, that all of these matters took place prior to the filing of this particular petition and that this testimony or any testimony along this line is therefore incompetent, irrelevant and immaterial, and has nothing to do with the issue now before the Trial Examiner.

*Testimony of Robert F. Turnbull*

Trial Examiner Jaffee: He may answer.

The Witness: We met with Mr. Floyd Bird and he asked us what he could do, if anything, to get the men back to work and he told us that he was very sorry we had gone out. He told us that he would like to be the man to take the information forward to Mr. Christopher, the president of the Company, as to what our demands were before we would resume work. We told Mr. Bird that complete recognition was what the men demanded and at the  
898 same time Mr. Walter Smith was in the office. By

the way, we told him that recognition was that what the men demanded and he said, of course, he wasn't in a position to give it to us but that he would talk to Mr. Christopher and see if an arrangement could be made for a meeting with Mr. Christopher. We left the office with that understanding and we went back in the next morning and met with Mr. Christopher and Mr. Bird. I think we met on two occasions—anyhow, on this occasion we met with Mr. Christopher and told him what we wanted and we had quite a discussion with him but we didn't get any place.

Q. Now, following that, did you, as officers of the Association, or representatives of the Association, meet with officers of the Company to discuss grievances?

A. No.

Q. To your knowledge, has there been any such meeting?

A. No.

Trial Examiner Jaffee: Have you much more, Mr. Nelson?

Mr. Nelson: Well, not so much, but I have some more questions, a dozen, perhaps.

Trial Examiner Jaffee: Go ahead.

Q. (By Mr. Nelson) You have indicated in your testimony here, Mr. Turnbull, that foremen of the grades settle the trivial grievances and the more important ones  
899 they are not able to settle they simply send them on up the line. Now, in number of grievances, how does that stack up? Are the trivial much the greater in number; are the serious grievances the lesser? And to what extent?

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A. The trivial ones are the greater.

Q. In number?

A. Yes.

Q. How would you classify them? Suppose you just took grievances and counted them, what percentage would be trivial, what percentage are serious enough to go on up, in your experience?

A. We don't have very many serious ones. Most of them are trivial.

Q. Well, would you be willing to hazard a guess as to the percentage on that or guess how many serious ones you have had, say in the last six months?

A. Oh, I suppose if you have—you may have as many as four or five in a week, ones that have to go further, but that's about all.

Q. Four or five a week would be the most?

A. That would be the most, if you have that many even.

Q. Do you recall the report of the Packard Motor Company dated December 7, 1944?

Mr. Donovan: What kind of a report, Mr. Nelson?

Mr. Nelson: Packard Motor Company Labor Relations Department.

900

The Witness: I think I remember that one, yes.

Mr. Nelson: I ask the Reporter to mark this as an exhibit.

(The document above referred to was marked for identification as Petitioner's Exhibit No. 33.)

Q. (By Mr. Nelson) Now, here in subdivision B, Section 2, I notice on this report the Company estimates the great majority—

Mr. Donovan: (Interposing) Just a minute. Mr. Trial Examiner, I think at this point the Employer's counsel is unable to measure the propriety of this evidence because he is totally uninformed about what counsel is showing to the witness. He started to question him about a document called a report. I think, without further elaboration on the record, we ought to be able to find out what he is talking about.

Mr. Nelson: I offer it in evidence and I offer it to counsel for examination. We got it from the Company.

Mr. Donovan: Well, right at the start, the document does

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not appear to be a report at all. It is headed, "Plant Committee Bulletin" and I have not examined the rest of it. Is this it, Mr. Nelson? (Indicating).

Mr. Nelson: Yes, that is it; we got that from the Company under that date.

901 Mr. Dahling: Mr. Examiner, we object to the exhibit on the basis that it is irrelevant. We do not deny that it is an authentic report. That is, we are not objecting to it because it is not signed by the various parties and that sort of thing; merely the relevancy of it.

Trial Examiner Jaffee: May I see it, please?

Mr. Nelson: Yes, sir.

Trial Examiner Jaffee: I assume that the Union referred to in Petitioner's Exhibit 33, for identification, is the UAW-CIO, is that correct?

Mr. Nelson: Yes, sir, it is correct, Mr. Examiner.

Trial Examiner Jaffee: Petitioner's Exhibit 33 is received.

(The document heretofore marked for identification as Petitioner's Exhibit No. 33, was received in evidence.)

Q. (By Mr. Nelson) Mr. Turnbull, the question really was what would you say was the percentage of grievances that are trivial and the percentage that are serious?

Mr. Donovan: You asked him that before and he said that practically all of them are trivial.

Mr. Nelson: All right, if you are willing it should stay that way, I am.

Q. (By Mr. Nelson) Is that about so, practically all of them are trivial?

A. There is a certain number, certain ones we have 902 no option with.

Q. With respect to the day's work, they are insignificant in themselves?

A. That is correct, yes.

Q. You agree, do you, Mr. Turnbull, that you yourself resolve these grievances, or some foreman under you, and you regard them all as trivial?

A. Practically all of them, yes.

Q. Is it also a fact that most of them never reach the grievance stage? By that I mean, formal papers?



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Mr. Donovan: Just a minute. Is this again addressed to grievances in this man's own department?

Mr. Nelson: It includes every kind of grievances he has to do with.

Mr. Donovan: But you are talking about grievances in his one department?

Mr. Nelson: We are talking about his experience.

Mr. Donovan: Mr. Examiner, counsel is evasive and we want to know whether this is a question based on plant-wide grievances or is confined to this witness' own department.

Mr. Nelson: He will tell us about that.

Trial Examiner Jaffee: The objection is sustained.

Q. (By Mr. Nelson) I will ask you whether these ever reached the formal grievance stage, that is, these petty trivial grievances?

903 A. It is surprising how some of them are trivial and they get that far. Quite a few get that far, they are very trivial grievances in our opinion, though.

Q. Do they reach the grievance stage of putting them in writing?

A. Oh, yes.

Q. So you apparently are including many that are not written up, that come to you as general foreman?

A. Yes.

Q. Now, what do you mean by trivial or petty grievances?

A. Well, you may have a case where a man, perhaps, his stock is not running right, maybe he is complaining that a nut is too tight to go under the thread. It is just little things like that, and you have to soothe a man down. Perhaps he will grumble about the amount of parts he has to make, or some tools he has to make on the job. Perhaps he can't get a rag out of the tool crib, or they haven't any clean ones, and he will complain about that. They are only minor things and are bound to arise in any plant.

Q. Reference has been made to the time study. Does the assistant foreman, foreman or general foreman have any authority over the time study?

A. No.



*Testimony of Robert F. Turnbull*

Q. Can the assistant foreman, foreman or general foreman request a restudy from the time study department, assuming that the time study has some impact on his work, may the foreman of any rank request a re-study?

A. I haven't had occasions like that lately. They used to have them; but not lately. There is a new setup and I think the foreman is left entirely out of that; it is between the Union and the Company.

Q. So that is a trouble between the maintenance and production workers, and representatives of the Company?

A. Yes.

Q. And the foreman does not come into it at all?

A. No, not now. I think that is stated right in the book.

Q. Let us assume, just for illustration, the situation where you request ten additional men, recommended, and five are furnished. Is there anything you can do about it?

A. No.

Q. Nothing at all?

A. No.

Q. And does that apply to every rank of supervision including assistant foremen, foremen and general foremen?

A. Yes.

Mr. Donovan: I will ask that the question and answer be excluded. I think the record should reflect this man is giving information from his own department only, unless counsel makes the question differently.

905 Trial Examiner Jaffee: It seems to me that particular question specifically asked about the witness' personal experience in his own department.

Mr. Donovan: I am objecting to it.

Trial Examiner Jaffee: It may stay.

Q. (By Mr. Nelson) About the application in other departments, then, do you or do you not have information on the subject?

A. Every job is run by the process sheets and there is a stipulated time on that job set by the time study department, and that's what the foreman has to work to. Every job is processed and time allowance is put right down on that route sheet, we call it.

*Testimony of Robert F. Turnbull*

Q. So that answer, with respect to the ten men asked for and the five men supplied applies throughout the plant?

A. Yes.

Mr. Donovan: Same objection, Mr. Examiner.

Trial Examiner Jaffee: It may stay in, in view of the witness' further testimony.

Q. (By Mr. Neison) I think there is some testimony here about transfers, Mr. Turnbull, and I think you have indicated, or have you, that there is some power of transfer within the foreman's own department or section, but he has no power outside of that, is that correct?

A. In his own department he can transfer a man from one operation to another, in his own department, 906 provided it is agreeable to the steward.

Q. If it is the same classification of work?

A. Yes.

Q. Can foremen step across the line of classification and classify a man differently by assignment, to a different class of work?

A. Only to this extent, you can put a man from a higher rated job onto a lower rated job.

Q. Can you put him to a higher one than the one he held?

A. No.

Q. Can the foreman above the rank of assistant foreman transfer a foreman?

A. No.

Q. Either up or down?

A. No.

Q. Is it a fact that the foreman appears only at the first step of the grievance procedure, or does he follow it through in the various stages?

A. He may be called as a witness.

Q. Now, if he is not called as a witness, that is, to tell what he knows about an incident, does he normally go with the grievance procedure?

A. No.

Q. He normally does not?

A. It goes to the second stage; the steward and the 907 foremen get together first.

Q. Yes, and the foreman is present at that, of course?

*Testimony of Robert F. Turnbull*

A. Yes, then it becomes a written grievance.

Q. Yes?

A. Now, the grievance procedure, as a rule, is to go from there with the district steward from the Union and the division personnel man for the Company. At that time, the district steward will call in the steward of the department and the personnel man will call in the foreman of the department.

Q. But the foreman comes in only if he is called?

A. Yes.

Q. By the other authority in the Company?

A. That is correct.

Q. I think this has been testified to, but I want to make sure it is in the record, according to your understanding and experience in the Company: A worker may not be discharged from the employ of the Company by a foreman, is that right, without some other authority intervening and confirming?

Mr. Donovan: Just a minute. I will object to the question, again, Mr. Trial Examiner, first, because it has been covered several times, and the way the record is left is that a foreman can recommend an action, whether or not that is eventually the action taken depends upon the particular case. Why go over all that four or five times? There is no question that he recommends these things and it has also been shown the reasons why in cases his recommendation is not followed through. The testimony shows that in the majority of cases those recommendations are followed. They originate the recommendations.

908 Trial Examiner Jaffee: Mr. Donovan, I might have been inclined to sustain your objection if you had not gone on and stated some things which I think are not in evidence. He may answer the question. Will you read the question?

(Question read.)

The Witness: That is correct.

Q. (By Mr. Nelson) Does the foreman of any rank, assistant foreman or general foreman, have the power to change machines in their position, in relation to each other, to change partitions in the factory? In other words, make major changes in his department?

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A. No.

Q. Where does that power lie?

A. The foreman would perhaps recommend that or consult the division manager or the superintendent, perhaps, and then they in turn would get the planning department and if the planning department won't move it until there is an appropriation of money to cover the cost of it, it isn't done.

Q. Does the foreman have any power to choose the  
909 type, manufacture or make of a machine at all?

A. No.

Q. He takes the machine furnished by the Company?

A. Yes.

Q. And as furnished by the Company?

A. Yes.

Q. Who determines whether a worker shall be promoted to the rank of foreman of any grade?

A. I don't know that one.

Q. Well, does the foreman determine that question?

A. No.

Trial Examiner Jaffee: Do you determine it?

The Witness: No.

Q. (By Mr. Nelson) Can an assistant foreman originate a query?

A. In certain circumstances, Mr. Nelson, where he is actually, you may say, doing a foreman's job. In other words, where he has a group and no foreman is over him. He is assuming the responsibility of that group or department, then he could write out a query.

Q. Is this a correct statement of your testimony: If an assistant foreman is in fact performing duties of a foreman, then he may originate a query?

A. Yes.

Q. If he is not, does he or does he not?

910 A. No, he would give it to his foreman.

Q. If it is originated by him, under the circumstances you have related it, he would sign the paper?

A. Yes.

Q. Would he in any other case sign it?

A. No.

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Q. So a query would ordinarily be signed by either the foreman or the general foreman?

A. Yes, sir.

Q. And only by them?

A. Yes.

Q. Or by some person—by some person of equal authority?

A. Yes, sir.

Trial Examiner Jaffee: Where the foreman or assistant foreman signs it, do you also sign it?

The Witness: Yes, I also sign it.

Trial Examiner Jaffee: Where the assistant foreman signs it and there is a foreman over him, as distinguished from the general foreman, does that foreman also sign it?

The Witness: He wouldn't in that circumstance. If there is a foreman over him, the foreman would originally write it.

Trial Examiner Jaffee: In other words, by the time it gets to you, there is one other signature?

A. Yes, one other signature.

911 Mr. Nelson: I believe that is all.

Trial Examiner Jaffee: I assume there is going to be some recross examination?

Mr. Dahling: Yes, Mr. Trial Examiner.

Trial Examiner Jaffee: Very well, we will have a ten minute recess.

(A short recess was taken.)

912

**Recross-Examination.**

Q. (By Mr. Dahling): Mr. Turnbull, you testified about a foreman who was demoted three weeks ago. Will you give us his name?

A. There was George Cikity, was one, Charles Forsythe was another and Herman Neuman was another.

Q. As I recall the testimony that I have in mind, it was that this one foreman was given notice about three weeks. You mentioned one foreman, I believe, and you stated that you discussed the matter with someone, do you recall that testimony?

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A. Yes, I can give you perhaps a little more specific details. There were three of them slated for demotion. Two of them were demoted on the first of the month and the other one was a man that had been with the Company for about twenty-nine years, I understand.

Q. What was his name?

A. That is Herman Neuman.

Q. Yes.

A. And Herman Neuman had been trying to get off of the supervisory job, as a matter of fact, for quite a while, to get back into the Experimental Department where he had previously worked. When it was discussed about taking him off and putting on as a leader—

Q. Who discussed that?

913 A. The superintendent instructed me to take him off as a leader.

Q. Who did he discuss it with?

A. With me.

Q. Yes.

A. He had previously discussed it with the division manager.

Q. Did he tell you that?

A. Yes. They had a meeting of the division manager and the superintendent of the F. K. Division where it was all decided.

Q. Were you present at that meeting?

A. No.

Q. Then you do not know what occurred at that meeting?

A. No.

Q. And then you do not know what occurred at that meeting?

A. No, except from what he told me himself.

Q. He told you that this was discussed?

A. He told me that we would have to reduce the three men down. There were two that I mentioned, Cikity and Forsythe, and then there was Herman.

Q. What was the superintendent's name?

A. Mr. Al Kline.

Q. And the time was about three weeks ago?



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914 A. Yes, at the beginning of December. The two that were demoted were the two latest ones put on and they had only been on a matter of two or three months as assistant foremen and they, of course, had no argument about going down. But the other man had been an assistant foreman over two years. I spoke to Al Kline and in fact we were pretty well in agreement, the two of us, that we did not like to have to put him down if we could manage to get him transferred back to the Experimental Department and just put a transfer through, and that wouldn't hurt the man's feelings as much as if we had to tell him he would be demoted. We left a note for the division manager in the daytime—

Q. You say "we," whom do you mean?

A. We discussed it, Mr. Kline and myself and Mr. Kline himself left a note for the Division Manager.

Q. Is Mr. Kline the superintendent?

A. Yes. And we sent Herman Neuman—we instructed him to come in and see Mr. Jackson.

Q. Who is Mr. Jackson?

A. He is the division manager. So he came in and saw him and he was entitled to a week's vacation. So, he was allowed that week and then when he came back there was no vacancy for him in the experimental room and he was reduced down to a leader, with the promise that as soon as there was an opening in that department he would  
915 be transferred over to that department. Meanwhile he is working as a leader on his regular job where he was an assistant foreman.

Mr. Donovan: I did not hear the end of the answer.

Trial Examiner Jaffee: Read the answer.

(Answer read.)

Q. (By Mr. Dahling): What was the reason for these demotions three weeks ago, or about the first of December?

A. We cut back in production in the number of employees in the department.

Q. I believe you said the number of employees was reduced by about 200?

A. Yes, to be exact I think we had 575 and we dropped down to 337.

Q. Now, Mr. Turnbull, you testified that if you requisi-

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tioned ten men and only five men were sent, there was nothing you could do about it?

A. No, except complain.

Q. You could go back to your superintendent and complain that you could not get the work out with those men?

A. Yes.

Q. Are you taking the position in answering the question in the manner that you did, that the Company was just arbitrarily refusing to give you more men?

A. No, I wouldn't say that, Mr. Dahling, it is sometimes difficult to get them in a department just when you  
916 want them.

Q. And the Company itself has trouble these days in getting sufficient men?

A. Yes, that is the main reason.

Q. That is the main reason?

A. Yes.

Q. And, of course, as a foreman, you would do your best to keep up your war work production, even if you could not get these men?

A. Yes.

Q. You also testified that you could not transfer a foreman up or down. If you had an assistant foreman under you who was not producing and was not satisfactory, what would you do?

A. I would report that to the superintendent.

Q. What sort of report would you make? What would you tell the superintendent?

A. I would tell him honest that the man isn't any good.

Q. That you could not get out the production if you had to have a man like that?

A. Sure.

Q. And then the superintendent—what would he do?

A. He would discuss it with the division manager and perhaps come to an arrangement to move him.

Q. Mr. Turnbull, you also testified that you could  
917 not discharge a worker without some other person agreeing, is that correct?

A. Yes.

Q. And that is your present position?

A. Yes.

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Q. Well, we will say that you found a man who was unfitted for the job and could not produce and you wanted to have him removed from your department, what would you do?

A. I would write a query giving the man twenty-four hours' notice.

Q. Then what would be your next step?

A. The next step is to give a copy to the man involved and also to the steward.

Q. Well, then, we will say that the steward agrees with you; what happens then?

A. He would sign that query that it was okay to discharge the man.

Q. What is the next step?

A. The next step would be that the man himself—usually in cases like that we refer the man back to the employment office. We give them twenty-four hours' notice to be cleared from the payroll of the department. He is referred back to the employment office and if they can place him somewhere else it is their business.

918 Q. If they cannot place him somewhere else what happens?

A. Well, he is out, unless he can make a complaint to his plant committee of the Union and they take steps over the head of the steward or district steward and perhaps get him put back in the department. That has happened.

Q. And if he does not complain what happens?

A. If the man is satisfied to go then everybody is satisfied and that is all.

Q. That would be the end of it?

A. He would be out, yes.

Q. And cleared from the rolls?

A. Yes.

Q. You testified that you could not change any partitions or machines?

A. Yes.

Q. That is, you mean that you could not call in the millwrights and tell them to switch that machine over to this or some other spot, is that right?

A. That is correct.

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*Testimony of Robert F. Turnbull*

Q. If you found a machine, however, which you did not think properly placed, what would you do about it?

A. I would discuss it with the superintendent or the division manager and they would in turn call the Planning or Process Department. The Process Department in turn would make the request for it through their proper  
919 channel and I suppose once the money and everything is appropriated for the job then the job would be done.

Q. By the way, you say "money would have to be appropriated for that purpose."

A. Yes.

Q. What does the foreman have to do with the appropriation of that money of that character?

A. He doesn't have anything to do that way. As I understand it, the Process Department makes the estimate as to the cost of that change themselves and then they submit it to their people in authority and they decide whether it will be done. We have nothing to do with that at all.

Q. And if they carry out your recommendation it is done?

A. Yes.

Q. Now, I believe you said that the foreman couldn't promote. Did you mean he couldn't promote an assistant foreman?

A. Yes, that is correct.

Q. But I believe you have already testified that he could recommend such a promotion?

A. Well, you might tell your superintendent that there is a man doing a real good job but you do not have any say in that, as to the number of foremen or whether they will promote them, really, that is as far as you could  
920 go. You could report he was doing a good job but you could not make a written report on it.

Q. And if you needed a foreman in your particular department you could recommend that one of the assistant foremen be given the job?

A. Well, we don't have anything to do with the number of foremen in there to start with.

Q. Well, say that the number of foremen is fixed at ten

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and one man quits and leaves his job and you need another foreman, could you recommend that one of the assistant foremen in your department be upgraded to that job?

A. Yes, I might do that or I might discuss it with my superintendent.

Q. As a matter of fact, that is done, isn't it?

A. Well, not with me. I have had to take what I could get any time I got mine.

Q. You don't make any such recommendations?

A. Any time they put in any assistant foremen they tell me they are putting them on and I don't have anything to do with it.

Q. Would that be because you do not care to make such recommendation?

A. No, it is just a matter of everyday occurrence, you might say. It is discussed with the division manager and the superintendent, as a rule, on anything like that.

Q. Would you say that your situation is the same as all other foremen in the plant?

A. As far as I know, yes.

Q. You stated that an assistant foreman was not permitted to sign a written query and that that is signed by the foreman, is that correct?

A. Yes.

Q. Unless this assistant foreman happens to be in charge of a certain group of men?

A. Yes.

Q. But the query, however, or the contents of the query, the purpose of the query, is originated by the assistant foreman, isn't it?

A. Yes.

Q. The foreman may or may not agree with him?

A. Perhaps I haven't got that quite right. You mean the assistant foreman in that little group we were talking about?

Q. Take the case where the foreman signs the query?

A. Yes.

Q. Who originates the substance of the query? Who is responsible for starting that query on its way?

A. The foreman. If there is an assistant foreman work-

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922 ing with him, the assistant foreman will discuss the situation with him and the usual procedure would be for the foreman to say "I'll write a query," and he writes the query.

Q. That is, the assistant foreman calls some matter to the attention of the foreman?

A. Yes.

Q. And in that sense the assistant foreman does originate the matter?

A. He may from that angle, yes.

Q. The foreman could decide to write a query or he might disagree with his foreman?

A. That is correct.

Q. The same way that the superintendent disagrees with you, Mr. Turnbull?

A. Yes.

Q. And if the foreman was concerned at all about the matter he would discuss it with you?

A. Yes.

Q. And you might disagree with him, also?

A. Yes.

Q. You have, haven't you, disagreed with your foreman?

A. Yes.

Q. On this matter of trivial grievances, you say in your opinion the Union appeals quite a few of these so-called trivial grievances?

923 A. Well, some that seem perhaps trivial to us, yet they are often ones we cannot take care of. The usual everyday occurrences in there they do not appeal. In fact, they just discuss that and get over them. If they have one that to us may seem trivial, they will go ahead with that and write it on a grievance form and submit it to the district steward and he takes it up with the Personnel Department. In that case it just goes over our heads in that manner.

Q. On the matter of grievances, you have no written form of grievances for the first step of the grievance machinery, have you? That is, grievances that come to the foreman and are passed upon in the first instance by the foreman—the chief steward, I mean?



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A. No, there is no special form for that.

Q. That is usually done by way of conversation or word of mouth?

A. Yes.

Q. And is settled in that manner?

A. Yes.

Q. However, the appeal that you talk about comes from the action of the foreman and chief steward, is that correct?

A. Yes.

Q. And that is a written form?

A. Yes.

924 Q. If such an appeal is made who passes upon the problem?

A. The district steward and the division labor relations man.

Q. When you say district steward, that is the district steward of the CIO?

A. Yes.

Q. He is the steward next in rank above the chief steward?

A. Yes.

Q. As a division steward would he be steward in charge of a number of departments?

A. Yes.

Q. And the chief steward, as you call him, would be only in one department?

A. One department, yes.

Q. When you speak of the division Labor Relations representative, you are referring to the Company's representative?

A. That is correct.

Q. And that Company Division Labor Relations man would have the same general authority over several departments as a district steward?

A. Yes.

925 Q. And if the grievances aren't taken care of satisfactorily at this meeting between the district steward and the division Labor Relations representative, what happens?

A. It then goes to the plant committee and the Indus-

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trial Relations man, the Labor Relations man in the personnel office at the front.

Q. In other words, it then goes from the district steward to the plant committee for the CIO?

A. Yes.

Q. And it goes from the District Labor Relations representative to the Labor Relations representative next superior to the division man?

A. Yes.

Q. Now, you speak of the trivial grievances that are appealed. What do you have in mind when you say trivial grievances?

A. That are appealed?

Q. Yes.

A. I don't get many of them but I will give you an incident of the last one I had. Our main assembly line is on a conveyor line that travels all the while. With the Company in production on nights, there being a smaller production than there is on days, we find it perhaps a little difficult to proportion the work out. For instance, on days you run the line and you build practically six  
926 jobs, roughly speaking, an hour and on nights we build, roughly, three an hour. We have been managing, by running that line about every fifteen minutes, and we stop it, and then we would get on so far and start it again and stop it again, and we manage to get our production every night by doing that. The men complained that they wanted the line cut down in speed to thirty-two jobs per night, and that in turn would involve speeding it up again for the day shift and altering that line for either shift. We explained that to the steward when he complained. We knew that the men were managing fine and getting by and to us that was merely a trivial thing to argue over. However, he saw fit to write a complaint and went over my head and took that up with the Personnel Department. That is in my opinion a trivial matter and it had to go further than I could do with it.

Q. You get quite a few complaints from the stewards that you feel are trivial?

A. Not that go past me like that, Mr. Dahling.

Q. Only a few go past you?

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A. Yes.

Q. And you say you settle most of the trivial grievances between the steward and yourself?

A. I call them complaints rather than grievances, they are so small.

927 Q. That is a better word, it is a complaint and not really a grievance.

A. Yes.

Q. But the steward who complains about a number of things would complain about the work-load?

A. Yes.

Q. Aren't they usually due to the fact that they want to put as many men on the line as they can?

A. Yes.

Q. And they do complain about the speed of the line?

A. Yes.

Q. And you have to discuss all those matters with them, do you not?

A. We show them the route sheet. There is a time all set there and that is the time and that's all there is to it.

Q. Those route sheets you are talking about, what are they?

A. They are practically speaking, the layout of the job in detailed form of every job. For instance, if you take one part that has got to be built up, one assembly, it starts with the number of that assembly and tells you just all the operations to be done in completing that assembly and the time allowed for doing each operation.

Q. And that is broken down between the men who  
928 are supposed to build that part up?

A. Yes, the foreman keeps that on his desk and watches the job as it is being done in rotation. The men do not see that unless a man complains and takes it to the steward. Then you take the steward and let him see the time in the book and you say, "There is the time that is allowed on the job." You explain to him how many men you have and you let him add up the time.

Q. And that comes to you from some other department?

A. That comes through from the processing department.

Q. How is the time of those jobs determined?

A. Generally at the start of a program the Process De-

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partment will estimate the time on the job and at a later date when ~~the~~ job is being run fairly successfully they come and time the job.

Q. They make what they call a time study?

A. Yes.

Q. And that is made—~~we~~ will take your department, the time study would remain in your department for a series of time studies?

A. Yes.

Q. And they would come in and determine in that time study the time it would take for a man to do a certain operation?

A. Yes.

929 Q. And they have a regular department in the Company that is in charge of that?

A. Yes.

Q. In making the time study do they select one of your operators?

A. They generally try out the jobs. I think under the new set-up, there is a new time study set-up which has just lately gone into effect, and under that set-up there is an agreement with the Union that they will try it on so many operations, two or three times at least, and not just on one operation or one operator or one reading of their watches.

Q. Well, who selects the men or man who is going to put through the operation that is being timed?

A. Oh, they select whatever men they want.

Q. You say "they select"?

A. The time study man.

Q. Does the steward have anything to do about that?

A. Nothing, no, not at the start.

Q. Does the time study man just come in and say, "We will pick you for this test"?

A. Yes, ~~he~~ will walk down and tell us he is going to time study a job and generally they tell the steward they are going to time study a job. At the very start of a job like that, I don't know, it is necessary ~~to go~~ to the  
930 steward, but they go to re-time study them—they have the steward to re-time study them, I know that.

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Trial Examiner Jaffee: Do you know whether they do it at random?

The Witness: Yes, just at random. In a case like that, as a rule, they would take two or three jobs and time them.

Q. (By Mr. Dahling): And the result of this time study is the time which a particular operation should normally take?

A. Yes.

Q. All of your processing is, then, based upon those time studies?

A. Yes.

Q. They are necessary, are they not?

A. Oh, yes.

Q. In other words, you would have to know the time that any process would take in order to be able to run the assembly line at all, would you not?

A. Oh, yes.

Q. And they serve a most useful purpose?

A. Yes.

Q. We will say that a time study was made and you felt that the men were being pushed too fast, that they could not keep up with the work or that they could not get  
931 the work done in the time allotted to them, what do you do?

A. The steward would do it for you.

Q. You mean, he would get in on the job before you had a chance to?

A. Oh, yes.

Q. What would the steward do?

A. He would ask that a new time study be made. Under the new set-up, the Union has a time study man trained purposely for that job, and they would call that time study man from the Union to time the job for them and after that is done the Union time study and the Company time study men get together and come to an agreement on the time of the job.

Q. Now, getting back for a moment to these trivial grievances, do you know why they are trivial, why the Union insists upon an appeal if they are trivial?

A. Well, it just depends to a certain extent on the

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steward in the department. Some stewards are better than others.

Q. The stewards, of course, are elected, are they not?

A. Yes.

Q. And I presume that a steward is then under pressure to satisfy the whims and caprice of the workers who elected him?

A. Yes.

932 Q. And he has to do that in order to be re-elected?

A. Yes.

Q. And he wants to be re-elected?

A. Yes.

Q. As a matter of fact, they do no work then, do they?

A. No.

Q. The more grievances they have, the less they would have to work, is that true?

A. That is correct.

Q. Because they are permitted time out to discuss grievances with you and possibly also are called in on appeal?

A. Yes.

Q. What, in your opinion, was wrong with the demand of the Union that this speed of the line be slowed down rather than stopped and started again?

A. Well, we see no need for it, for the very reason it would be an added expense not necessary. If the job can be done as it is done, we feel they have ample time to do the job and we see no reason at all why we have to go to the expense of changing that line over.

Q. If you had to slow down the line, would it be possible that the day shift might take the position that they should have the line slowed down, as far as they were concerned?

933 A. No, because they have more men and the production schedule is bigger.

Q. But the slowing down of the line would be more costly to the Company than starting it and stopping it, as was your practice?

A. Yes.

Q. Mr. Turnbull, Mr. Nelson questioned you with respect to your duties and responsibilities as a general foreman. In answer to your questions, did you include all the duties



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you might be called upon to perform during any one particular day?

A. Well, they do vary a little, I suppose, from day to day. They are never exactly the same.

Q. When you testified as to the duties of foremen in answer to Mr. Nelson's question, did you include all the duties a foreman has to perform?

A. Practically all I can think of, of any consequence.

Q. Now, Mr. Turnbull, I believe you testified that one of your duties and responsibilities was to plan the work according to the schedule, is that true?

A. Well, yes, — you don't plan the schedule, of course.

Q. No, but you have to plan the layout and the use of your men to perform the work?

A. Yes, sir.

Q. How about the men below you? Do they have to  
934 do the same thing, in the orbit of their responsibility?

A. Yes.

Q. It is your duty to see that production is gotten out on schedule, is it not?

A. Yes.

Q. It would be the duty of the foreman, as far as his particular part of the department is concerned, to do the same thing?

A. Yes.

Q. But you are ultimately responsible for that, is that correct?

A. Yes.

Q. It is also your duty as general foreman to see that the operations and processes are performed according to the routing sheets you talked about?

A. Yes.

Q. What is the duty of the foreman in that connection?

A. It is the same thing. He is responsible for his group of men.

Q. What is the duty of the assistant foreman in that connection?

A. Practically the same thing.

Q. Furthermore, it is your duty to see that the proper number of persons are placed on the job, is it not?

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A. Yes.

935 Q. When I say "your duty," it is your duty as general foreman?

A. Yes.

Q. What does the foreman have to do about that?

A. If he hasn't gotten what he needs for the job, the number of men, and so forth, he will report it immediately.

Q. It is his duty to report it and endeavor to secure enough men for his particular endeavor of the job?

A. Yes.

Q. And that applies to all foremen, does it not?

A. Yes.

Q. It also applies to assistant foremen within the scope of their job?

A. Yes.

Q. I believe you testified it is your duty to see that material is available at all times?

A. Yes. Of course, the stock division is responsible and they are responsible alone for the material coming in, but it is still my responsibility to know that it is available, or I report it.

Q. What does the foreman do with respect to material or possible shortages of materials?

A. He will report that to the general foreman or he may himself go right to the foreman of the stock division and complain there. In other words, he will watch

936 the flow of his material as well as he can.

Q. What does the assistant foreman do?

A. He would generally report it to his foreman.

Q. After the material has been completely processed, it is supposed to be moved out of the department, is it not?

A. Yes.

Q. If it is not moved out, what do you do?

A. Oh, it's got to move out, because it's a moving line and another department is waiting on those engines for inspection.

Q. That is true as far as the assembly line is concerned, is it not?

A. Yes.

Q. The assembly line moves right along?

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A. Yes.

Q. Other departments, however, would be working on different parts which would not be on the assembly line, is that not correct?

A. Yes.

Q. As to those parts, what would the duty of the general foreman be if they were not removed when completed?

A. He would report back to the stock division. The stock division controls that.

Q. I believe it is also your duty and responsibility to see that the work that is done is up to standard specifications?

A. Yes, we have inspection and the inspection takes care of that, you see.

Q. You do the work up to specifications, because you have inspection?

A. Yes.

Q. In other words, if you had no inspection, you would not care whether it was done up to specifications or not?

A. Well, you can't build them unless you build them to specifications.

Q. In other words, it is one of your responsibilities to see they are built that way?

A. Oh, yes.

Q. How about your foreman with respect to quality, what does he have to do about seeing that the quality is proper?

A. Well, it's the same thing, he would have to maintain quality, because the Inspection Department would have to accept the parts.

Q. That same responsibility is placed upon the assistant foreman within his sphere of supervision, is it not?

A. Yes.

Q. Now, if you determine that the process you were using or which you had been told to use in your department was not maintaining proper quality, what would you do?

A. The Inspection Department, of course, would be the first one to notice that and they would reject the parts. Now, if they were just a few, if there were just a few parts that would be sent back through the

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Salvage Department to that department where they were made. If it was a bad complaint, a big number of parts were coming that way, the Inspection Department would check on it and quite likely a special assignment man would be called in on the job to trace it back to where it originates.

Q. If you determined the cause was in your department, what would you do about it?

A. It is up to the foreman to get it rectified. If a man is making scrap or damaging a part, then it is up to the foreman or even the assistant foreman may do it. He would check and see what's happening on the job, see if a man has been instructed correctly to do the job, whether the tools are right on the job or whether the material was bad when it came to him in the first place.

Q. In that connection, I presume it would be his responsibility if the workman were not properly trained to give him instruction?

A. Yes.

Q. That instruction would be in connection with the operation of the machine, if it was a machine that needed it, or if it was on the assembly line the method of carrying through the particular part of the work?

939 A. Yes.

Trial Examiner Jaffee: Mr. Dahling, I believe we are having much too much duplication here.

Mr. Dahling: Mr. Examiner, I am very sorry about that, too, but after this witness so minimized the things he did on redirect examination, I can see no other way out of it.

Trial Examiner Jaffee: I know, but the fact that he testifies one thing on redirect examination does not mean that I have to disregard what he said on the original cross.

Mr. Dahling: No, Mr. Trial Examiner, but, of course, the effect is there, and it would be pointed out that on such and such a date he said so and so were his duties. I know of no other way to clear the record on that point, except as I am proceeding now. I am asking this witness directly if in reply to questions of Mr. Nelson he stated what his duties were, and he has said yes. Now, of course, he did not, and in order to show he did not and that he

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has additional responsibilities and duties, I am at a loss to know how I can put them in without—

Trial Examiner Jaffee: I commend to you the reading of what I said the other day which was, among other things, that the Board can add two and two together pretty well and generally come out with the correct answers.

940 Mr. Dahling: When are you planning on luncheon, Mr. Examiner?

Trial Examiner Jaffee: At the conclusion of your examination.

Mr. Dahling: I am sorry, sir, I am afraid we will all be late.

Trial Examiner Jaffee: Then we will all be late; we were late this morning.

Q. (By Mr. Dahling): Is it part of your duty and your responsibility to maintain proper working conditions in your department?

Mr. Nelson: I think that is too broad. That would include ventilation, housing, location of machines, safety of machines, and so forth.

Trial Examiner Jaffee: I think it is, too.

Mr. Dahling: I will withdraw the question.

Q. (By Mr. Dahling): Is it your duty and responsibility to see that the aisles are not cluttered up with material?

A. The stock division would have to look after that.

Mr. Nelson: That would be the only place, maybe, that they could put them.

Mr. Dahling: I am not asking you, Mr. Nelson, to answer for him.

Q. (By Mr. Dahling): We will say the aisles in your department are cluttered up with material; what 941 would you do about it?

A. You would get into trouble from the safety end of it. The guards would write up a violation, which they do, and send that in and you have to give an explanation and dispose of the case by telling them what has been done.

Q. What would you do, then, to avoid being written up?

A. I would hand it over to the foreman of the stock division. They send them to me and I send them to him. That's his job.

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Q. But you contact him if those aisles are not kept clear?

A. I do, but that's his own responsibility. I have seen the time when the aisles have been so congested that the Army Inspection would kick about it. But the main responsibility for it is the stock division, for not having the stock in the right place.

Q. Whose responsibility is it in your department for seeing that the proper safety measures are carried out?

A. Well, they have safety inspectors come around, the safety engineer. There's one man, Mr. Taylor, in charge of all safety for the whole place.

Q. If you saw a worker or a foreman following an unsafe process, in your opinion, what would you do?

A. I would stop.

Q. And your foreman would do the same thing?

942 A. Oh, yes.

Q. And your assistant foreman?

A. Yes.

Q. You are familiar with the safety procedures that have been approved for the Packard Company?

A. Yes, everybody is, the workers as well.

Q. Is it your responsibility to see that the tools and fixtures are properly maintained?

Trial Examiner Jaffee: I am going to exclude that, because it has already been covered.

One of the purposes of direct examination, cross-examination, redirect examination and recross-examination is to narrow the scope of the questions down. The fact that a person answers differently on redirect examination does not mean you can go over the same ground to the same extent you did before. There must be a narrowing down process; otherwise, everybody would insist upon having the last word and we would be here forever.

Mr. Dahling: Is the ruling of the Examiner that I am not to continue along this line of testimony?

Trial Examiner Jaffee: No, I am merely indicating that you are going over this ground to the same extent you did before.

Q. (By Mr. Dahling): Mr. Turnbull, in your redirect



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943 examination by Mr. Nelson, you listed your duties and responsibilities as a general foreman. Did you, in your answer to the questions given to you by Mr. Nelson, include all of your duties and responsibilities?

A. As far as I know, I did.

Q. And that was a complete list of all the duties and responsibilities that you have a general foreman; that is, the statements you made in answer to Mr. Nelson's questions?

A. Except in little trivial matters, Mr. Dahling, such as a man coming to get a pass to go out to lunch. I could give you the synopsis of my night's work if that would satisfy you better.

Q. Well, let us get down to this question of trivial matters. The matter of maintaining quality, is that trivial?

A. I believe that question was answered before.

Q. Did you answer that question in connection with Mr. Nelson's examination?

A. Well, I don't know for sure.

Q. If I say there was no answer to that question, to my recollection, would you say that was right?

A. If you say so. I didn't read the transcript over and I don't remember every question asked me.

Q. But you still take the position that you did outline all your duties and responsibilities in response to Mr. Nelson's questions?

944 A. The main ones, yes.

Mr. Dahling: That being the case, Mr. Trial Examiner, I do not see that there is anything for me to do but continue in the way I have been examining.

Trial Examiner Jaffee: Yes, and he also said it varies from day to day to some extent.

Mr. Dahling: That is true, but what we are interested in doing is getting a competent picture of what is done from day to day.

Trial Examiner Jaffee: I know, but you are not going to get it by going over the same questions.

Mr. Dahling: There has been a steady effort on the part of the witnesses to minimize the responsibilities and duties for the purpose of this particular case, and I think it

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is very proper cross-examination to show that this witness in response to questions, has been doing that and that he has not testified in full as to his exact duties and responsibilities.

Trial Examiner Jaffee: I know, but cross-examination—rather, recross-examination—should be recross-examination and not simply cross.

Mr. Dahling: Well, of course, that brings us to this point, if you care to make a ruling?

Trial Examiner Jaffee: There is nothing to rule on. I am simply making an observation, apparently without effect.

945 Mr. Dahling: Mr. Examiner, I think it is now practically one o'clock. I am perfectly willing to discuss with my associate here this matter during the recess hour. I do not know what the result will be; it may be that we will not take up as much time. But if you desire us to continue along, I am perfectly willing to continue.

Trial Examiner Jaffee: Well, obviously, the main purpose in this, as in all hearings, is to get all the relevant facts. I cannot disregard them entirely, nor did I mean by anything I may have said, to indicate that the fault, if that it be, is on the Company's part. I think Mr. Nelson had tended to confuse direct examination with redirect examination. So that without attempting to assess the blame as between one side or the other, I think both sides ought to bear in mind some of the things I said earlier. I suggest we leave a little room for matters of which we can take official notice, a little room in which the Board can apply the facts themselves and a little room for such native intelligence, which we are supposed at least to possess.

With that observation, we will come back at 2:15.

(At 1 o'clock P. M., a recess was taken until the hour of 2:15 P. M.)

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After Recess.

(Whereupon, pursuant to recess, the hearing was resumed at 2:15 P. M.)

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Trial Examiner Jaffee: Are we ready to proceed, gentlemen?

Mr. Dahling: May I proceed?

Trial Examiner Jaffee: Yes.

**ROBERT F. TURNBULL**

resumed the witness stand, was examined and testified further as follows:

**Recross-Examination (Continued).**

Q. (By Mr. Dahling): Mr. Turnbull, in addition to the duties and responsibilities that you testified you had, on Mr. Nelson's redirect examination, do you also have all of the duties and responsibilities that you testified to on my direct examination?

A. Yes, as I know, yes.

Q. Now, you stated that the stewards made certain trivial complaints, I think you called them, and you did not characterize as a trivial matter the giving of passes, did you?

A. Yes.

Q. And you consider that trivial? That giving of a pass for a man to get out of your department?

A. A pass to go home, yes; it is a usual occurrence  
947 right through any day. You get maybe half a dozen in a day.

Q. And that is a pass to go home?

A. Yes.

Q. Do you decide whether a man should or should not go home?

A. Well, if you didn't, then the steward would come to you just the same, and perhaps the man would go out to lunch at lunch time and not come back after lunch, so you may as well let him go and have it done with.

Q. And the steward would come and what would he do?

A. He would complain to you. The man would complain to the steward that you refused to give him a pass and the steward would come to you and you would give him the reason for it and you would have an argument on

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your hands with the steward. Then when it came to lunch time the man would go anyway.

Q. You would have an argument on your hands with the steward and to get rid of the argument you just give the pass, is that it?

A. Yes.

Q. Whether you thought the pass should be given or not?

A. Yes, you might as well.

Q. How about a pass to go from one part of the plant to another part of the plant?

948 A. Well, an inter-divisional pass—there are only certain people that can give them. For instance, I can give them but up to just lately I did not have that privilege myself. When a man goes from one division to another, if it is any sort of a restricted area then that man's signature—whoever signs the pass—his signature must be identified. Most of those signatures are from the superintendent when they go to different divisions.

Q. You say you now have the authority to do that?

A. Yes, because I had occasion to send a man over to "D" Division and he went over there and they turned him back. He went over there two or three times and they turned him back. I went and reported that to the superintendent, that this man I was sending over for certain items couldn't get them and I couldn't get the man out of the department, so he said that he would have my name put on the list, and he had my name put on the list so I can do that.

Q. So giving these passes is at least considered by the Company as being a fairly important matter?

A. Sending a man into a different division, yes. A restricted area pass, I can't give that now. The D. S. M. Department, I can't even walk in there.

Q. That is because of army and navy rules, is it not?

A. Regulations, yes.

949 Q. These passes you can give, you have to decide, do you not, as to whether they should be given?

A. Oh, yes, if something is needed in a hurry and we have to send a man, yes.

*Testimony of Robert F. Turnbull.*

Q. Mr. Turnbull, were you not recently issued a book or pamphlet on time studies?

A. Yes.

Q. Have you studied that document?

A. It's about three or four months ago now. It doesn't bother us to any extent because the foreman doesn't come in on that; that's between the Company and the Union men.

Q. Did you ever have a time study in your particular department?

A. No, it isn't being done on the night shift, to my knowledge.

Q. You are on the night shift?

A. Yes.

Q. How long have you been on the night shift?

A. Since the 18th of March, 1944.

Q. Has there been a time study in your department?

A. Not on nights.

Q. Has there been on days?

A. It's just going that process now.

Q. Prior to that time, in 1944, did you ever have any time studies during that time?

950 A. Yes, a time study man came around and put an estimated time study on the jobs.

Q. You had to have your department in order, did you not, and prepare for that time study job?

A. No, he comes whenever he is ready.

Q. And he selects the man?

A. Yes.

Q. You have nothing to do with that at all?

A. Oh, no.

Q. Is that the instruction in your time book?

A. Of course, at that time there was no time study book out. This time study book has just come out since then.

Q. Is that matter covered in your present time study book?

A. Yes.

Q. What are you supposed to do as set forth in this time study book?

A. We don't have anything to do with that at all.

*Testimony of Robert F. Turnbull*

Q. Now, you have nothing to do even with the setting, the conditions under which the time study is made?

A. No, that's their job and they attend to it themselves.

Q. When you say "they attend to it" who do you mean?

A. The time study men.

Q. And the time study men are experienced men?

951 A. To the best of my knowledge they are; they are appointed by the Company.

Q. What is the purpose of this time study?

A. Well, I would imagine it is to operate the department or the factory just as near as you can, as cheap as they can and to know what an article is going to cost them to make.

Q. Does it have anything to do with the efficiency of the operation?

A. The efficiency of the department or the efficiency of an operation is based upon that time study.

Q. As a matter of fact, is it not a part of the time study to do away with lost motion?

A. Absolutely, that's their job.

Q. Where a man can do a job using two movements of his hand rather than four, they instruct him in the use of the two-hand movement?

A. Yes.

Q. And the time study does that?

A. He does that and sets up the route sheet accordingly.

Q. As a matter of fact, the purpose also is to make the work easier for the men, is it not, so it is less fatiguing?

A. Yes.

Q. And they are supposed to instruct them how to do the work properly, with the least effort?

952 A. Well, they don't do much instructing to the men.

They just put that down in the route sheet, as to what the operation should be, and the foremen have to accept that.

Q. Of course, if they time a job and you find that the worker does not complain, of course, there is no reason for you to complain?

A. No.

Q. If the worker complains, what happens?



*Testimony of Robert F. Turnbull*

A. He would complain to his steward.

Q. One of the purposes is so that there should be no lost motion, is that it?

A. Yes.

Q. Every job has a proper and improper way of accomplishment, is that correct?

A. Oh, yes.

Q. And the purpose of the Company is to pick out the proper way to do the job?

A. Yes.

Trial Examiner Jaffee: I suppose, more accurately one should say there is one accurate way and perhaps innumerable improper ways.

Mr. Dahling: I will accept your statement, Mr. Examiner. I think the Examiner suggested something about sweeping north or south here some time in the hearing previously. It might be proper or it might be improper to sweep north and south, isn't that true?

953

The Witness: Yes.

Q. (By Mr. Dahling): There may be a proper way of sweeping?

A. Yes.

Q. In other words, if the floor was grooved you would sweep down the groove instead of across it?

A. Yes.

Q. And there is a proper way of handling the broom in sweeping to prevent dust?

A. Yes.

Q. The Company goes into all these matters and reduces the operations to the simplest and most efficient form, does it not?

A. On the manufacturing end but not on the sweeping end. I don't think they have route sheets and time studies on that.

Trial Examiner Jaffee: They do not indicate so many sweeping motions per minute.

The Witness: Not with our help they couldn't.

Q. (By Mr. Dahling): As a boy I worked in a store and I was instructed that when I used a broom that I should not throw it up in the air like this (indicating) and throw up a lot of dust, that would be right, wouldn't it?

*Testimony of Robert F. Turnbull*

A. Yes.

954 Q. So that there would be a proper way to use a broom?

A. Maybe so.

Q. If you were sweeping out a pit that was in a road it would be better to sweep lengthwise than across, wouldn't it?

A. I imagine so.

Q. So there is something about proper sweeping?

A. Oh, yes.

Trial Examiner Jaffee: May I observe, since I originally mentioned the sweeping subject, that while I agree with everything counsel indicates, I used the example in connection with the use, proper or not, of the word "policy."

Mr. Dahling: I think there was some mention made of policy in that connection, Mr. Examiner. I was simply using this as an example of the fact that the Company in all of these operations tries to bring them about with less effort on the part of people and in a most efficient manner.

Q. (By Mr. Dahling): You are a member of the UAW-CIO, I believe you so testified?

A. Yes.

Q. Did you ever go out on strike?

A. No.

955 Q. Has the UAW gone out on strike at Packard's since you have been there?

A. I don't remember an official strike at Packard's.

Q. But there haven been work stoppages?

A. Yes.

Q. And men walked off their jobs?

A. Yes.

Q. Would you call them "wild-cat strikes"?

A. Yes.

Q. By the way, Mr. Turnbull, we have been discussing stewards, union stewards. If the Foreman's Association of America is given collective bargaining rights, would you have stewards?

A. No, we try to at the present time have what we call representatives in each division. It would have a different setup, of course, to what a steward is. A steward in other words, has a—the CIO has a steward in every department.

*Testimony of Robert F. Turnbull*

We have been trying to keep one man in a division. In other words, that one man would look after any little thing that was needed in that division.

Q. Then you would have a division steward and not a chief steward, such as in the UAW?

A. We have less people and we wouldn't need all that.

Q. You feel you would not need a chief steward?

956 A. No.

Q. But this division steward would be the counterpart of the steward you would have. He would be the counterpart of the present division steward in the CIO?

A. We call him a representative and his duties would not be anything like what a steward has.

Q. What would be his duties?

A. I don't expect that we will get a lot of grievances amongst foremen as you do amongst a bunch of men in a shop, and we don't call them grievances like that—

Q. What would be his duties?

A. To take care of any little incident that might come up and contact the manager or division manager in that division if it were found necessary to represent the member involved.

Q. That is about what the division steward of the CIO does at the present time, isn't it?

A. That is part of what he does, yes.

Q. Do you wear your Union emblem in the shop?

A. Yes.

Q. And do the other foremen, also?

A. Yes.

Q. And do you also in your athletic events have special emblems on your costumes, your athletic costumes and shirts?

957 A. Yes, we have a team and a bowling league and we have a shirt with F. A. A. badge right across the back.

Q. And you also wear those shirts at the plant at times?

A. I don't know, come to think of it, I have seen one or two of them, but I don't wear one myself.

Mr. Dahling: That is all, Mr. Examiner.

Q. (By Mr. Karasick): Mr. Turnbull, when a special assignment man is needed in a department who calls him?

*Testimony of Robert F. Turnbull*

A. Well, the foreman on the line would call him if he had a difficulty—it wouldn't matter which of us called him. In other words, if we ran into a difficult situation a special assignment man would be around there and either the foreman or the general foreman would contact him or an inspection man might contact him.

Q. Someone from inspection might call him?

A. They would just as we would.

Q. Were special assignment men called from a central headquarters where they were located?

A. We have one for our department, a special.

Q. Where is he located in your department?

A. Well, he is just on the floor, that is all, just like anybody else on the floor. If he needs to write these notes he comes in—as a matter of fact, the one we have types his own—if he couldn't he would get the  
958 clerk to type the notes for him or to leave any reports.

Q. Then he does not have an office?

A. No, he doesn't have an office, he works under another special assignment man in "K" Division, who I think has an office over there where two or three work out of. Then again another might work out of the division manager's office. We have two that go around the plant and get the parts if they are not coming right, and they work out of the night work manager's department.

Q. Who is the immediate superior or supervisor of the special assignment men or are there immediate supervision?

A. They come under the division manager, in our division.

Q. In your division?

A. Yes.

Q. Do you know if that is true in other sections of the plant, as well?

A. Yes, they work out of the division manager's office, practically speaking.

Q. Does that mean they are under the instructions and subject to the supervision of the district manager?

A. Oh, yes.

Trial Examiner Jaffee: Did you say district manager?

*Testimony of Robert F. Turnbull*

Mr. Karasick: I meant the division manager.

959 Q. (By Mr. Karasick): Now, let me see if I understand clearly what this special assignment is. When he goes into a department to rectify any trouble that has occurred there, to trace it down, is he in charge of that department for that specific purpose?

A. No, he doesn't take charge of the department.

Q. I mean, is he in charge of the department for the purpose of getting this trouble rectified? That is, whatever instructions he gives are to be followed by anyone in that department?

A. Well, yes, I would say it in that way.

Q. Is that correct?

A. If he came and looked at a job and found something wrong, he might say, "Give me a couple of those parts and I will take them to get inspection on them," and he would walk away and we would probably work along with the job and maybe leave out some of those to one side.

Q. If he finds any trouble, would he tell you as general foreman or the assistant foreman or the employees that you should operate this way until we get this trouble fixed?

A. Yes.

Q. And you are of necessity supposed to follow those instructions he gives you, to that extent, is that correct?

960 A. Yes, you would do that.

Q. Does he make any recommendations with respect to the general production or maintenance employees?

A. No.

Q. That is, does he initiate queries in the way a general foreman or assistant foreman would?

A. No, if a certain part is really wrong he may issue a query about that part and send it through the inspection or through the division manager. In other words, a report on what he had found out.

Q. Is there a special assignment man to each department or does the special assignment have a number of departments, or does the practice vary, according to the size and complexity of the particular operations?

*Testimony of Robert F. Turnbull*

A. Most of them work from the division manager's office and they go to any department under that division manager.

Q. You spoke of one special assignment man who formerly had worked at the Rolls Royce plant who acted as substitute for one of the superintendents?

A. Yes.

Q. Was that true only of this particular special assignment man or—strike it. Is that true only with respect to the particular special assignment you referred to or have other special assignment men, on occasions, substituted for superintendents in the plant?

A. That's the only one I know of. The other one, Tom Pawlowski, he has now gone back to take charge of a department, to be a foreman of the Shipping Department, I believe.

Q. To be a foreman?

A. Yes, to be a foreman.

Q. You testified, I believe, that if the aisles were cluttered up in the department, the guards would write a violation slip?

A. Yes.

Q. Against whom would that violation slip be written?

A. They send them there—

Q. (Interposing): Well, who would be charged with the violation?

A. They send it in to the manager of the department, and the only ones I have seen have been on my desk when I come in at night. They come through the plant mailing system in an envelope and I just take them and give them to the stock foreman; it is his job.

Q. What is it a violation of?

A. Plant rules, the aisles are supposed to be cleared at all times.

Q. When a man walks in and asks for a pass for time off, is the amount of time he gets covered in the amount of time he is allotted during the year that he is entitled to?

A. No, we can allow them fourteen days and then they are allowed three days without a pass of any sort. Over



*Testimony of Robert F. Turnbull*

three days absent time, automatically their card is pulled, so that three days plus fourteen would make seventeen, but they can come in the next month and get seventeen more.

Q. I understand, but if a man asks for, say, a half a day off, is that time counted as part of the time off he is to have, that is, of the total time?

A. No.

Q. When you clear an employee from the rolls, or recommend that that be done, do you mean that you clear him from the rolls of your particular department or clear him from the payrolls of the entire Company, or recommend that action?

A. That's done through the employment office. We do not have anything to do with that. We can't take him off our payroll until that's been accepted by the time office and they forward it on to the front office.

Q. Can you recommend that an employee be discharged outright, not from your department alone but from the whole Company?

A. Well, yes, we could do that.

963 Q. And the ultimate action depends, as you have explained, upon the employment department?

A. Yes.

Trial Examiner Jaffee: Have you ever done it?

The Witness: I don't remember doing it. It would be much harder for us to do. To get the thing over with we clear or recommend that they be cleared from our department rolls, but if we would complain about them and ask for a complete discharge, we would have to fight harder to get rid of the man, you see.

Q. Are there any women who are employed in the four classifications that are set forth in the petition?

A. There are a few women. I do not know just how many, but they are assistant forewomen.

Q. Are there any women, foremen, or foreladies?

A. No, not that I know of.

Q. General foreladies?

A. No.

Q. Special assignment women?

A. No.

*Testimony of Robert F. Turnbull*

Q. The only ones you know of are assistant forewomen?

A. Yes.

Q. Do you know how many there are?

A. Roughly guessing, I would say about six, and some of those have just been put on a week or two ago.

964 Q. In your discussion you broke up grievances into two classifications which you called trivial on the one hand, and serious on the other?

A. Yes.

Q. It is my understanding of the trivial grievances that practically all of them are settled at the first stage of the grievance procedure, that is, with you as a general foreman?

A. Ninety-nine per cent are.

Q. Of the serious grievances, what percentage of them do you successfully handle in the first stage?

A. Very few; in fact, hardly any of them at all; you can't.

Q. Do you mean those are invariably appealed and they go through the regular form of grievance procedure and are, therefore, out of your hands?

A. Yes.

Mr. Karasick: I have no further questions.

Trial Examiner Jaffee: Any further redirect examination?

Mr. Nelson: I believe not.

Trial Examiner Jaffee: Any further recross-examination?

Mr. Dahling: I think I have just a couple of questions.

965

**Recross-Examination.**

Q. (By Mr. Dahling): Mr. Turnbull, we will say you had a worker who was habitually absent, a habitual absentee, what would you do about that?

A. We would write that up as a query, check his time record, or get the girl to do it, for a matter of two or three months, and then we would write a query giving that man twenty-four hours' notice.

Q. Then I believe you testified you would give the man a copy of the query?

*Testimony of Robert F. Turnbull*

A. Yes.

Q. And give the steward a copy of the query?

A. Yes.

Q. Then, we will say the steward agrees to the giving of the twenty-four hours' notice.

A. As a rule he won't.

Q. Well, we will say he does.

A. You don't get him to do it, though.

Q. It never has happened?

A. Never, unless a man hasn't paid his dues and they want to get rid of him.

Q. But you have never had a case of a worker, male or female, where the steward agreed to a twenty-four hours' notice?

A. Oh, I might have had one, I couldn't remember. You get so many absentees. The usual procedure is to write that once and the Personnel Department calls them in and warns them and the steward also warns them and the second time it happens we take that through the same procedure and the Personnel Department and the steward will agree.

Q. You say the Personnel Department and the steward will agree?

A. Yes.

Q. But you start the query in the first place, do you not?

A. Yes.

Q. All right, you issue this query in which you give this person twenty-four hours' notice; what do you do with the copies of the query?

A. We send one copy to the person involved; one to the steward, one to the general foreman of the department now, and one to the Labor Relations man in your division, or the division personnel man, and one to the personnel man of the division, five copies.

967 Q. (By Mr. Dahling) All right, now then, the steward agrees with you that the person should be cleared from the roll and actually signs the query. What happens after that?

A. If the man is satisfied and wants to take that, he is all done, he is out.

*Testimony of Robert F. Turnbull*

Q. He is automatically cleared from the rolls?

A. Yes, but if he wants to appeal, he can still come back to his district steward; and even if the district steward agrees, he can go to the committee and if they agree, he can still go into personnel and perhaps get put back to work.

Q. What is the usual situation there?

A. Well, practically any of the men I got rid of in one place usually turned up someplace else in the plant.

Q. But they were cleared from your rolls?

A. Yes, cleared from our rolls and put to work in some other part.

Q. If the steward agrees to it, unless the man appeals to the division steward or the plant committees—both of those, by the way, are instruments of the CIO Union, are they not?

A. Yes.

Q. And then it goes through automatically?

A. Yes.

Mr. Dahling: That is all.

968 Trial Examiner Jaffee: Are there any further questions of this witness?

Mr. Nelson: No further questions.

Q. (By Trial Examiner Jaffee) Mr. Turnbull, I suppose it is fair to say, isn't it, that if you did not take care of the little grievances, pretty soon you would have big ones?

A. Oh, yes.

Q. And hence to a degree, when you do take care of the little ones, you therefore, to a degree, take care of possible big ones?

A. Yes.

Q. Is that right?

A. Yes.

Q. You testified, I think, that if an assistant foreman was not satisfactory to you, you would tell the superintendent that the assistant was no good?

A. Yes.

Q. Suppose the Foreman's Association was recognized by the Company and this particular assistant foreman was a member and you are a member, would you still tell the superintendent the same thing?

*Testimony of Robert F. Turnbull*

A. The first procedure we would do under that, Mr. Examiner, and have done, by the way, if we found a man that is laying down on his job or losing time or not carrying out the job correctly, we call the Executive Board together and call that man out.

969 Q. You are talking about your Union now?

A. Yes, and he is warned. Often it happens that the man we have designated as representative will call that man to one side and line him up and tell him that if he doesn't do the job that we have no time for him and we cannot stand for a man being irresponsible and we do not intend to respect any member in a position like that at all. If a man is not doing his job correctly, then he is not entitled to be on supervision and we will not back that man up. That is understood by every member of our Association and we have done that throughout and will continue to do it as long as we ever can.

Q. You have used the phrase "If a man is irresponsible." Let me turn that around and ask you to whom he is irresponsible? To whom is he supposed to be responsible?

A. To his Employer, to do his job properly, and if he doesn't, we don't want him at all.

Q. Let me ask you my original question. If this particular assistant foreman was not satisfactory to you, would you or would you not tell your superintendent he was no good even if he was a member of your Union?

A. Absolutely I would tell him that he was no good.

Q. Do you feel that the fact that he is a member of the Union would affect your judgment of the matter or  
970 the issue or your action in the matter?

A. No, if a man is no good, he is no good and we do not want him any more than anybody else does. It would hurt us as an Association if we backed him up.

Q. However, you might lose a member?

A. We are better off without that sort of member.

Mr. Nelson: You might get a good man in his place.

Q. (By Trial Examiner Jaffee) At the opening of this morning's session you were asked several questions with reference to seniority as applicable to a particular situation, seniority being used in that connection apparently

*Testimony of Robert F. Turnbull*

as meaning length of service. Would discharges be based on length of service, that is to say, all kinds of discharges?

A. You mean for infringement of the rules or something like that?

Q. Yes, would that be based on length of service?

A. No, if he is discharged for an infringement of some rule, seniority would not make any difference.

Q. Then, what kind of discharges do you mean when you say discharges would be dependent upon seniority or length of service?

A. Discharges for cutbacks and drops in production and layoffs.

Q. Assistant foremen are generally recruited from the rank and file?

971 A. Yes.

Q. And foremen and general foremen also are recruited from the rank and file?

A. Yes.

Q. I suppose you mean by that that the foremen are recruited from assistant foremen?

A. Yes, they work their way up gradually.

Q. So that it starts at the rank and file in the beginning?

A. Yes, I know I did, that way.

Q. If the Foreman's Association of America was recognized and you had these representatives that you spoke about, have you any idea about how many it would be necessary to have in the plant, approximately?

A. There are seven divisions and we would have one on either division on either shift and that is fourteen all told, seven representatives on the night and seven on the day shift and that would give us fourteen.

Q. There are two shifts, are there?

A. Yes.

Q. To the extent that a special assignment man comes into your department and works on a particular job which he has been called in on, to what extent does he supervise the men in your department? Does he supervise so much of your department as is necessary to carry out that job for that time?

972

A. He would stand and watch the job proceed until he saw it was working correctly.



*Testimony of Robert F. Turnbull*

Q. Suppose he needed two or three of your rank and file men to help him in connection with what he was doing. What would he do?

A. It would be a matter of cooperation with the foreman on the job. He would be with him and explain what the job was and the foreman would tell him to work. I don't think he might ask him himself as an order, he might ask them but not give them an order to work, in other words.

Q. Have you recommended promotions for assistant foremen?

A. No.

Q. Or demotions?

A. No.

Q. Why not?

A. Well, I haven't had occasion to. It is only just the last cutback that they took these three off in the department at all. That was the only time I ever had any demotions.

Q. Well, do you know whether or not general foremen or foremen recommend promotions or demotions for assistant foremen?

A. I am not definitely sure on it. I have an idea that some of them do. I am not definitely sure of a definite case.

973 Q. How is that usually handled, if you know?

A. The superintendent or division manager have the choice of who is put on. If they put two on in my department I was not consulted who they were. In fact, they put three on and I was told that they are making these fellows up to assistant foremen and I was told by the superintendent. He and the assistant manager discussed that together.

Q. By the way, is the special assignment man's job considered a promotion from an ordinary job of foreman?

A. No, it is not considered that way at all. You may have a foreman that would be sick or something like that and his job is perhaps a little too much strain for the time being. Then, they will for the time being put him on a special assignment where it is perhaps a little less worry about the number of people he has to supervise. If they

*Testimony of Robert F. Turnbull.*

have some special place or some special job there they will phone him and tell him he is going to be detailed for this job. It is no promotion and never was considered as one.

Q. I suppose that he has less administrative work than you have?

A. Yes, much less.

Q. On the whole, a special assignment man is more  
974 of a technical expert than most other general foremen or foremen?

A. Yes, if he cannot carry that job through, I have seen them let him go for that one reason. In other words, if they do not make a go as a trouble shooter, they are not liable to last very long.

Trial Examiner Jaffee: Are there any further questions of this witness?

Mr. Dahling: Yes, I have a couple of questions.

Trial Examiner Jaffee: All right.

Q. (By Mr. Dahling) If you found an assistant foreman laying down on the job and wasn't doing his job—to whom would you first report that?

A. I would go right after the man himself.

Q. After you went after the man himself, would you and this foreman, this assistant foreman—If he was a member of the Foreman's Association of America, what would you do then?

A. Mr. Dahling, the Foreman's Association of America does not enter into the picture. If a man doesn't do his job he doesn't have a job, in my opinion, any place.

Q. What did you say about taking the matter up with the committee?

A. That often would occur. It has often been brought  
975 to our attention that a man was losing time or falling down, it has even been called to my attention by the division manager or the superintendent who will call me and tell me about it, tell me that they were going to take the man off if he doesn't improve. Then we take after him.

Q. Suppose you discovered it and instigated the matter?

A. I wouldn't bother with any committee. If I decided he was no good he would be no good.

*Testimony of James R. Wilkins*

Q. Suppose a majority of the Union disagreed and said he was.

A. I would still fire him.

Q. Even if the majority of the Union disagreed?

A. If he was no good to me I wouldn't keep him. There is no use having a man there if he cannot do his job. It is only fair to the Company to do that. If he was no good I would fire him.

Mr. Dahling: That is all.

Q. (By Mr. Nelson) When you say you would fire him, now, you mean you would make your recommendations in the regular way?

A. I would recommend up to the superintendent and the division manager that the man was not capable of his job.

Q. And you would stand by your recommendation?

A. Absolutely I would stand by it.

Mr. Nelson: That is all.

976 Trial Examiner Jaffee: That appears to be all, Mr. Turnbull. The witness is excused.

(Witness excused.)

Mr. Nelson: I call Mr. James Wilkins.

**JAMES R. WILKINS,**

a witness called by and on behalf of the Petitioner, being first duly sworn, was examined and testified as follows:

**Direct Examination.**

Q. (By Mr. Nelson) Your name?

A. James R. Wilkins.

Q. Your address?

A. 5059 Kensington, Detroit.

Q. You are presently employed at the Packard Motor Car Company?

A. Yes.

Q. In what capacity?

A. General foreman.

Q. When did you go to work for the Packard Motor Car Company?

A. September 8, 1909.

*Testimony of James R. Wilkins*

Q. In what line of work?

A. As a major part assembler.

Q. Had you had previous mechanical experience or training?

A. No, only as a chauffeur.

Q. How long had you acted as a chauffeur?

A. Five and one-half years.

977 Q. How long did you work as a production worker?

A. In the neighborhood of between four and five months.

Q. Then what happened?

A. I became what they call a straw boss.

Q. That was the foreman of the lowest rank?

A. That is right.

Q. In the department where you had been working or some other department?

A. No, in the department where I was working.

Q. That would be in what year?

A. That would be in 1909 and 1910.

Q. Have you been a foreman at the Packard Plant ever since that time, practically speaking?

A. No, I haven't.

Q. You have not?

A. No, there was a short period in there where I asked for a change from the major assembly I was working on, to the motor assembly and then there was about six months in that time where I was just working as an assembler again.

Mr. Donovan: Will you fix the year, Mr. Nelson?

Mr. Nelson: Yes, I was going to ask that.

Q. (By Mr. Nelson) What year did that take place?

A. 1910.

Q. That was shortly after you became a foreman, then?

A. That was out of a straw boss into the motor assembly.

978 Q. Yes. You say there was about six months there that you were a production worker?

A. Yes.

Q. Were you in the motor department at that time?

A. I was.

*Testimony of James R. Wilkins*

Q. After you went into the motor department some six months afterwards, you became a straw boss?

A. The same thing happened there after six months, I became a straw boss again.

Q. How many men did you have under you?

A. About 15.

Q. How long did you remain straw boss in the motor division?

A. It was between the Fall of 1913 and 1914.

Q. What happened then?

A. I was taken from the motor repair as straw boss down to the finished car assembly and I was put in as assistant foreman.

Q. How many men did you have under you then?

A. About 60.

Q. What were you doing?

A. They were changing pistons in motors and noisy starters, rear axles, transmissions and rattles in the bodies, squeaks in bodies.

Q. You had 60 men there and you were an assistant foreman?

979 A. Yes.

Trial Examiner Jaffee: Was that something different from a straw boss?

The Witness: Well, it's practically the same duties.

Q. (By Mr. Nelson) Does one of them rank any higher than the other? That is, when you became an assistant foreman, was there any promotion there, either in rank or pay?

A. No, I worked for the same pay, I will say, pretty close to six months before I was changed to a different rate.

Q. What I am getting at is this, is a straw boss and assistant foreman just about the same thing?

A. There's not very much difference.

Q. Well, which is the higher grade even in that slight difference?

A. Assistant foreman.

Q. Did he get more money?

A. Sometimes he did and sometimes he didn't.

Q. Did he have more authority?

*Testimony of James R. Wilkins*

A. There was very little difference.

Q. Did he have more people under him?

A. I would say the job you was handling would answer that.

Q. It would be the importance of the job you were handling that determined which he was?

980 A. That's correct.

Trial Examiner Jaffee: Mr. Nelson, do you claim there is some difference today?

Mr. Nelson: No, there are no straw bosses today; they are all foremen, assistant foremen, general foremen and special assignment men.

Q. (By Mr. Nelson) That is correct, is it not, Mr. Wilkins?

A. That's right.

Q. In other words, the straw boss has been done away with?

A. We don't hear it any more.

Q. How long has it been?

A. Well, as I say, the latter part of 1913.

Q. You continued, then, as an assistant foreman in the motor division for how long?

A. Well, from 1910 to the latter end of 1913.

Q. Then what happened?

A. Then I was put in as a foreman. I went in as assistant foreman, I should say, after.

Q. And from assistant foreman you went to what?

A. As a foreman.

Q. In what year, if you remember?

A. I would say that was in the latter end of 1914 or 1915.

Q. Somewhere in there?

A. Yes.

981 Q. Did you get a raise in pay that reflected the additional designation?

A. Yes, I think I did.

Q. Did you continue in the motor division?

A. Well, it was the entire car, the motor, rear axles, transmission, body, everything in general, trim, paint and so on.



*Testimony of James R. Wilkins*

Q. What was it, a trouble division?

A. That's right, defects in the car.

Q. Either discovered in the factory or discovered by the customer?

A. Oh, no, on the road test.

Q. And it came into your division?

A. That's right.

Q. With the designation of trouble?

A. That's right.

Q. And that was your job?

A. That's right.

Q. I mean by that, it was your job to put the car in a saleable shape and useable shape?

A. Yes, sir.

Q. Now, you are a foreman. How many men did you have under you as a foreman?

A. Well, it run between 100 and 125.

Q. Did you have the same 60 men or so and then  
982 these additional ones besides?

A. Yes, sir.

Q. And in what department?

A. That's what they call the repair department. I just forgot the letters they used for them at that time and then it was the assembly line that was added to my duties.

Q. From a foreman did you advance in rank?

A. Yes, in 1918, the latter part, I did.

Q. To what rank?

A. To general foreman.

Q. Under you were how many men at that time?

A. Oh, it was around 150.

Q. Did you receive a raise in pay again?

A. Yes, I think I did.

Q. How long did you continue as a general foreman?

A. Well, there was two breaks. There was one in between 1919 and 1920. I was an assistant superintendent about six months.

Q. You mean of the whole plant?

A. No, just on assembly on the complete car and motor.

Mr. Donovan: What did you say, assistant superintendent?

*Testimony of James R. Wilkins*

The Witness: That's right.

Q. When you were not acting as assistant superintendent, you were continuing in this trouble division over some 150 men, approximately?

983

A. Yes.

Q. You said there were two breaks. What is the second break?

A. In 1920 or 1921, when we had that depression, they set men back from their classification, from general foreman to foreman and from assistant superintendents to general foremen.

Mr. Donovan: Will you take that a little slower, please? I cannot keep track of it.

Mr. Nelson: He said in the depression of 1921 they set men back in their classifications, from general foremen to foremen and from foremen to assistant foremen and from assistant superintendents to general foremen, and so forth.

Q. (By Mr. Nelson) Everybody took a reclassification downward?

A. That's right, the ones that wasn't laid off entirely.

Q. And that included superintendents?

A. That's right.

Mr. Donovan: He is speaking about 1922?

Mr. Nelson: 1921, during the depression.

Q. (By Mr. Nelson) How long were you at that, or rather, how long were you in that classification to accommodate the circumstances due to the depression?

A. It was early in 1922 when I went back. When  
984 I went back as a general foreman, it was in 1922 and it was some time—I continued as a general foreman ever since late in 1921 or 1922 up to the present time, outside of another small break.

Q. When did that occur?

A. That occurred, it was either April 11th or 12th in 1944.

Q. Was there some event that took place then?

A. That's right.

Q. What was it?

A. Well, it was one of those cases where the foremen—

*Testimony of James R. Wilkins*

the rank and file, the production went down and the rank and file was naturally taken off and they took off the general foremen and the foremen and assistant foremen.

Q. Was that at the point of conversion from the manufacture of cars to war manufacture?

A. No, that was the year before that, in April, 1940.

Q. What did you go down to on that occasion, or did you go down and out on that occasion?

A. Well, practically. I was on nights; in other words, before I went on nights, the superintendent or division manager called me in the office in the middle of the summer when I was going to get my vacation, the day before my vacation—

Mr. Donovan (Interposing): May we have his name, please?

985 The Witness: Mr. Finley, he called me in the office and he says, "Jim, when you come back you are going on nights," and I sat there and I never answered him and finally he sat there with me so long he got tired of looking at me and says, "What have you got to say about it?" I said, "What's the use of saying anything. I can't do anything about it anyway." I took my vacation and came back and I think it was a couple of days afterwards I think, and then I took full charge of the car assembly, that is, right up to the body loaded, repairs on the motors.

Q. (By Mr. Nelson) How many men did you have under your supervision then?

A. I would say roughly between 350 and 400; I might be 50 or 60 off on that guess.

Q. How long did you continue at that?

A. That lasted between eight and nine months.

Q. Then what happened?

A. Then, as I say, the sales of cars dropped off and that was when they were taking off the night crew and naturally, the Management calls in all the superintendents and managers and their plan was all set and everybody was different, the foremen and the general foremen was going around and saying what their setup was going to be and I didn't hear anything about my setup at all. So I waited

*Testimony of James R. Wilkins*

986 until I think it was the second last night and I stopped Finley in the hallway and I says, "Oscar—"

Trial Examiner Jaffee: (Interposing) Do we need all this in detail, Mr. Nelson?

Mr. Nelson: No, I do not think we need it in this detail.

Q. (By Mr. Nelson) In the conversation, Mr. Witness, were you demoted or were you not?

A: Yes, I was.

Q. That was as a result of this conversation with Mr. Finley?

A. He told me—

Trial Examiner Jaffee: (Interposing) Was it the result of this conversation with Mr. Finley?

The Witness: He told me—

Trial Examiner Jaffee: (Interposing) No, was it the result of this conversation with Mr. Finley?

The Witness: Mr. Examiner, might I say, did you say what was the result?

Trial Examiner Jaffee: No, I said, was it the result of this conversation with Mr. Finley?

Mr. Nelson: Your demotion, in other words?

The Witness: No, it wasn't.

Q. (By Mr. Nelson) Were you demoted?

A. I was.

Q. And when?

987 A. Either April 11 or April 12, 1940.

Q. To what rank or position?

A. Well, he told when I asked him where I was in the organization, he told me I was—

Mr. Donovan: Just a minute. I ask that the witness be required to give responsive answers.

Mr. Nelson: He was going to tell it in the form Mr. Finley told him and I believe that is perfectly satisfactory.

Mr. Donovan: Well, it is not satisfactory to me, and I ask that the witness be required to give responsive answers to the question.

Trial Examiner Jaffee: I do not want to know what Mr. Finley told him unless it is the only way he can answer it.

*Testimony of James R. Wilkins*

Mr. Nelson: I believe that is why he was telling the conversation.

The Witness: That is true.

Trial Examiner Jaffee: Were you demoted?

The Witness: That's right and I was—

Trial Examiner Jaffee: (Interposing) Were you or were you not demoted?

The Witness: No.

Trial Examiner Jaffee: All right, go ahead.

The Witness: He told me I was going to be Mr. Durr's righthand man, with a substantial cut.

Q. (By Mr. Nelson) Who was Mr. Durr?

988 A. He was on days in the same position I was on at nights, general foreman.

Q. Did you go to work for Mr. Durrs?

A. No, I did not.

Q. Did Mr. Finley indicate the extent of the cut in the salary?

A. I wouldn't lower myself enough to ask him.

Mr. Donovan: I ask that be stricken out.

Trial Examiner Jaffee: It may be stricken.

Q. (By Mr. Nelson) I take it, he did not indicate it?

A. No, he did not.

Q. Did you continue working for the Packard Motor Company?

A. No, I did not.

Q. What did you do, go to work someplace else?

A. No.

Q. You remained unemployed for how long?

A. I was taken off the payroll the first of May.

Trial Examiner Jaffee: For how long?

The Witness: Until the 20th of June.

Q. (By Mr. Nelson) Then you went back to work for the Packard Motor Company?

A. That's right.

Q. In what capacity?

A. As motor assembly.

989 Q. As a maintenance and production worker and hourly rated, is that right?

A. That's right.

*Testimony of James R. Wilkins*

Q. How long did you continue as a production worker?

A. Five months.

Q. Then what happened? Did you go back as a foreman?

A. I did, as a general foreman.

Q. In what department?

A. In the YF Department.

Q. What department is that?

A. That's the marine motor assembly.

Q. The date you went back as a general foreman, if you please?

A. November 18, 1940.

Q. And you continued as a general foreman from that time until this?

A. Yes, sir.

Q. What is your wage or salary?

A. \$330.00 a month.

Q. Is there a bonus or overtime?

A. There is.

Q. That makes the average about what?

A. It runs between 475, around 475 now, by working 50 hours a week.

Q. Will you tell us what you do in that department, what the operation is in that department?

990 A. Well, we build the motors, you might say, from A to Z.

Q. The motor department or division again?

A. That's right.

Q. How many men have you under you now?

A. When I left there a week ago last Monday there was 307 men.

Q. How many subordinate foremen?

A. I have got three foremen and four assistants.

Q. Mr. Wilkins, you are a member of the Foreman's Association of America, the Packard Chapter, are you not?

A. Yes.

Q. May I ask you whether you were a member of the old Local 918 of the UAW?

A. No, I was not.

Q. You did not become a member of that?

A. No.



*Testimony of James R. Wilkins*

Q. You have now, and for some time past, have been using the power and authority of a general foreman?

A. That's right.

Q. And for a great many years prior to 1934 to 1937 you were of the same rank, a general foreman, in the Packard Motor Car Company plant, were you not?

A. I would say before that, I would say from 1922 or 1918 or 1919 up to the present time.

991. Q. That you were a general foreman?

A. That's right.

Q. Mr. Wilkins, you are what could be called an old time foreman; that is, prior to organization of the production and maintenance workers?

A. That's right.

Q. You have had experience on both sides of the line, have you not?

A. Yes, sir.

Q. And at the Packard Motor Car Company?

A. Yes, sir.

Q. As an old time foreman, tell us something about your powers and your authority, what could you do, could you hire a man?

Trial Examiner Jaffee: At what time are you talking about?

Mr. Nelson: Prior to 1933 or 1934.

Trial Examiner Jaffee: You mean, at the time he was a general foreman?

Mr. Nelson: Yes.

Q. (By Mr. Nelson) When you were a general foreman?

A. There hasn't been very much change since I have been a general foreman, but there was considerable change before that.

Q. When did that change take place?

992 A. Oh, around 1913 or 1914, I would say there was some change took place there and then around about 1915 to 1917; that's in the employment office.

Q. Was there an employment office when you first went to Packard's?

A. No.

Q. Then there was an employment office established, is that right?

*Testimony of James R. Wilkins*

A. That's right.

Q. Do you remember what year that was?

A. No, I do not.

Q. What change came in your powers as a foreman with the establishment of the employment office?

A. Well, when I first—

Mr. Donovan: (Interposing) This is still in 1913 and 1914?

Mr. Karasick: I think he said he did not know the date.

Mr. Donovan: He said the change took place around 1913 and 1914.

Mr. Dahling: Mr. Examiner, this is very interesting, but I do not see how it is relevant at all to this particular case, going back to 1913, 1921, what took place at that time; that is some 30 years ago.

993 Trial Examiner Jaffee: We all know, of course, that there has been over the years in mass production industries a degree of change, and I think that is what Mr. Nelson is going into.

Mr. Nelson: That is right, I am trying to get this witness to tell us what the differences are in being a foreman then and now as affected by the establishment of the employment office, organization of the production and maintenance workers, and other changes.

Trial Examiner Jaffee: Was this change back around 1913 and 1914?

The Witness: It was before that some time.

Trial Examiner Jaffee: All right.

Mr. Donovan: Mr. Trial Examiner, I object to the testimony now being gone into by Mr. Nelson because unless I am mistaken, and I do not believe I am, the witness testified that from 1933 to 1934 on, there was no particular change in his duties as general foreman. Then Mr. Nelson, still pressing for changes, got the testimony that there was a change in 1913 or 1914 involving the employment office. But the record, as it stands now, shows that there was no particular change since 1933 and 1934 in his duties as general foreman. So what we are going into now was sometime prior to that and having to do with the employment office, for some period between 1913 and 1914 and 1933, 1934.

*Testimony of James R. Wilkins*

994 Trial Examiner Jaffee: Sorry, Mr. Donovan, I simply do not get your point.

Mr. Donovan: Mr. Nelson has expressed a desire to show there have been great changes and at the same time, I think, I know what he has in mind, the duties of the general foremen—that is another reason for the formation of the Foreman's Association of America. I do not see how he is going to do it through this witness, unless he changes his testimony. In his particular case there was no change in his duties from general foreman from 1933 and 1934 onward. We are now addressing ourselves to some period prior to that. The relevancy of which I do not see, as to what Mr. Nelson wants.

Trial Examiner Jaffee: The witness may answer.

Q. (By Mr. Nelson) You tell us, Mr. Wilkins.

A. As far back as when I was a straw boss I used to go out on the street and take a slip out of my book and hand it to a man and he would go in and he would be hired, he would be put on the Packard payroll.

Q. Did you fix his wages?

A. No—~~yes~~, I did. In other words, at that time the men used to work for 28 cents and 32 cents an hour and up as high as 40 cents an hour for real good motor builders.

Q. Did you fix the wages within those limits?

A. I set the rate on it.

Q. Then you not only hired him—

995 Trial Examiner Jaffee: (Interrupting) Do you mean within the range you were permitted?

The Witness: Yes.

Q. (By Mr. Nelson) Who was the judge as to whether the man was worth 28 cents, 35 cents or 40 cents?

A. The way we used to hire men at that time was we could go out there and they would be lined up 40 or 50 men. I would walk along and if the man was smart he would see us walking along and notice that we talked to one man and another man would approach us and know what kind of man we wanted.

Mr. Donovan: Will the witness please speak up? I cannot hear him.

*Testimony of James R. Wilkins*

The Witness: I said when we walked out in the line, we would ask a man if he was a motor repair man and the next man would hear the conversation between us that went on and he would say that he was a motor repair man. We would look that man over and nine chances out of ten, you wouldn't take him because you didn't like his makeup and the way he answered the question.

Trial Examiner Jaffee: He was probably a lawyer.

The Witness: He may be. Anyway, we used to ask him if he could read "mics" and what a bore and stroke of a motor was and what the pistons were placed—by the second question he would fall down. Then he would  
996 go along and see a bright-looking fellow who would say, "I don't know anything about a motor but I am willing to work; give me a chance and I will make a good man for you." We used to make a lot of good men such as that, who were with us awhile. They would then be all right.

Q. You picked them yourself as foremen?

A. Absolutely, there was no medical examination at that time either.

Q. Except such as you gave them in the line there?

A. Yes.

Q. Now, could you fire that man?

A. Oh, yes.

Q. Could you discipline him if you didn't quite want to fire him?

A. Well—

Q. (Interposing) By that, could you lay him off two or three days and tell him, "You better not do that again, stay home two or three days and think it over." Could you do that at that time as a foreman?

A. No, that is nothing I have done very much of.

Q. Why?

A. I was more inclined to be the other way, and give a man a very good severe talking to.

Q. But you did give him that?

A. It was generally pretty rough, too, I think.

997 Q. You could fire him if you thought it was justifiable?

*Testimony of James R. Wilkins*

A. Absolutely.

Q. You said something about these bright young men coming in willing to work. Did you give them a process of training?

A. No.

Q. What did you do?

A. The system we used to have at that time was that we would have a certain amount of men that worked on the job for a reasonable length of time and as a foreman or straw boss you would know your men and you would take and put the new man with the older men. You would check up on him from time to time how the man was coming along and that would be the answer.

Q. You then made up your own mind as to whether he was worth being retained?

A. Yes.

Q. And as a foreman you made up your mind?

A. That is right.

Q. If he wasn't, could you let him go?

A. Absolutely without any argument.

Q. With anybody, is that right?

A. Well—

Q. I mean, did you have to refer to somebody higher in the Company, or did you do it yourself?

998 A. If the Examiner would like to listen to this, in 1914 or early in 1914 when I was put on as a straw boss I fired the employment manager's nephew and I also fired my boss' brother. That is the first day I was put on that job.

Mr. Donovan: And that was before the CIO was in the plant?

Mr. Nelson: That was before there was an employment office and so forth also.

Q. (By Mr. Nelson) Did you make those firings stick? Or did somebody come around and overrule you?

A. I am afraid that if I went into details it would be too much.

Q. Did the firing stick?

A. Absolutely it stuck.

Q. That is what I wanted to know.

*Testimony of James R. Wilkins*

A. Yes.

Q. As a foreman in the oldest days, could you do any purchasing, or did you do any buying or anything?

A. No, sir.

Q. You did no buying?

A. No, sir.

Q. Did you fix the schedule of your work? Did somebody above you fix the schedule?

A. No, that was handled—

Q. (Interposing) I am talking about the old time foremen.

999 A. That has all been handled through the same sales of cars, through the sales department.

Q. As a foreman, did you sit in the olden days with Management and talk things over? Did you have conversations with the factory superintendent—

Mr. Donovan: (Interposing) Just a minute. Do you mean did he do that as an individual or did he do it in a group or not?

Mr. Nelson: I mean as foreman. How high up the line did you confer about your work as a foreman?

Mr. Donovan: Mr. Examiner, I still ask the question be reframed. I do not know whether the question means the witness as an individual or not.

Mr. Nelson: It means as foreman. I said and put that in the question.

Mr. Donovan: As an individual foreman?

Mr. Nelson: In his work as a foreman, working for the Company. Not in your personal relations, Mr. Wilkins, or anything like that, but in doing your work as a foreman, did you confer with members or representatives of the Company?

The Witness: With the superintendent, yes.

Q. (By Mr. Nelson) On what subjects?

A. On the amount of men we had in a department at that time. There was no time study and no operation sheet. It was up to the individual foreman while he ran his department. In other words, what efficiency he made.

Q. Is that true now?



*Testimony of James R. Wilkins*

A. Oh, no.

Q. What is the difference now?

Mr. Karasick: I object. We have gone into the difference now several days. We have been several days developing that and I think the record is overburdened with that sort of material.

Trial Examiner Jaffee: Can you answer that briefly?

The Witness: Well, in about three or four words.

Trial Examiner Jaffee: Go ahead.

The Witness: Operation sheets, time study controls, are the whole thing now, practically.

Mr. Nelson: Mr. Reporter, will you mark that as Petitioner's Exhibit 34?

(Thereupon the document above referred to was marked Petitioner's Exhibit 34 for identification.)

Q. (By Mr. Nelson) Mr. Wilkins, this Petitioner's Exhibit 34 offered just now, is offered to refresh your recollection. Was there an incident recently where you as general foreman received a complaint from one of your foremen? Will you answer that Yes or No?

A. Yes.

Q. Did this memorandum refresh your recollection as to that?

1001 A. Yes.

Q. Is that a memorandum made by you of that incident? Answer yes or no, did you make it?

A. Yes.

Q. And illustrating your powers then and now, tell me whether in this incident shown on Exhibit 34, your memorandum of it, you carried that complaint higher up—above you?

A. I did.

Mr. Donovan: May we see it?

Mr. Nelson: I will offer the memorandum so that counsel may have the advantage of knowing the substance of what it is. I offer it to counsel for examination.

Trial Examiner Jaffee: By the way, when was this?

Mr. Nelson: I believe it has a date on it.

The Witness: It has a date on it.

Mr. Nelson: In each of these I think there is a date.

*Testimony of James R. Wilkins*

Trial Examiner Jaffee: Off the record.

(Discussion off the record.)

Trial Examiner Jaffee: On the record.

Mr. Nelson: Will you please mark these as Petitioner's Exhibits 35, 36, 37, 38 and 39?

(Thereupon the documents above referred to were marked Petitioner's Exhibits Nos. 35, 36, 37, 38 and 39 for identification.)

Trial Examiner Jaffee: At this time we will take a 1002 ten-minute recess.

(Recess.)

Trial Examiner Jaffee: The hearing is in order.

Q. (By Mr. Nelson) Exhibits 35, 36, 37, 38 and 39 are memoranda made by you of other incidents similar to Petitioner's Exhibit 34, is that right?

A. Yes.

Q. Now, as to your memorandum, Petitioner's Exhibit 34, it relates to a man by the name of George Klein in the YF department, who finally was made a foreman August 31, 1943, is that right?

A. That is right.

Q. Just in a word, what was Mr. Klein's complaint?

A. He was handling too many men on the classification as assistant foremen.

Mr. Dahling: Mr. Examiner, I object to the question and move that the answer be stricken as being immaterial and irrelevant. If this is a case of going into grievances again, why, of course, we will have to put in the testimony that we may think proper to counteract any effect it may have.

Mr. Nelson: I will briefly make—

Mr. Dahling: And also have time in which to investigate these cases.

Mr. Nelson: I might state briefly, Mr. Examiner, the 1003 showing on these exhibits—I would like to undertake briefly to ask three or four questions to get the continuity. I cannot do it by broken up questions and I am not able to make a showing on one or two questions.

*Testimony of James R. Wilkins*

Trial Examiner Jaffee: I gathered from what you said prior to the recess, Mr. Nelson, that you were not interested in the validity of the complaint or grievance and rather, in the fact that there were these complaints made, valid or not, following which certain action was taken.

Mr. Nelson: That is right. In other words, we are not offering them here to prove that Mr. Klein had a valid grievance, although obviously we think he did—what we want to show is what happens to the grievance and to the witness in connection with the grievance.

Trial Examiner Jaffee: Go ahead.

Q. (By Mr. Nelson) He was handling 190 to 220 men as assistant foremen for a period of two or three years, is that right?

Mr. Dahling: During what years?

Mr. Nelson: Prior to 1943, immediately prior to 1943. Isn't that correct, Mr. Wilson?

The Witness: It is in that neighborhood.

Q. (By Mr. Nelson) Did he bring that complaint to you as his general foreman?

A. Several times.

1004 Q. Did you take that complaint to the person above you in authority?

A. Yes.

Q. Did you take it there more than once?

A. Yes.

Q. Did you at that time get any relief or remedy for Mr. Klein whatsoever on your application?

A. No.

Q. Did Mr. Klein finally by-pass you and go directly to your superior with his own complaint?

A. Mr. Nelson, in order to answer that correctly—there was a night superintendent on at that time and he went to the night superintendent who in turn went to the day superintendent.

Q. He went around that way?

A. Yes.

Q. The night superintendent, if you were on nights, would be your superior as general foreman, if you were on nights?

*Testimony of James R. Wilkins*

A. Yes.

Q. But you were on days?

A. Yes.

Q. And he by-passed you and went to the night superintendent who went to the day superintendent?

A. Yes.

Q. Did he then get relief?

1005 A. Sometime later he did.

Q. Through his own application?

A. Yes.

Q. Although you recommended repeatedly yourself as a general foreman?

A. Yes.

Mr. Nelson: This memorandum I offer simply as a memorandum, Mr. Examiner.

Mr. Dahling: May I ask, to save time, the name of the night superintendent?

Mr. Nelson: What was the name of the night superintendent at that time?

The Witness: Walter Ewener.

Q. (By Mr. Nelson). Now, who was the day superintendent at that time?

A. Mr. Benoit.

Q. Mr. Wilkins, to make the testimony as brief as possible, Exhibits 35, 36, 37, 38 and 39 are your memoranda of similar instances where you had complaints by foremen working for you and under your supervision for whom you made approaches and complaints to the next in authority above you and for whom you were unable to get any redress, is that correct?

A. That's right.

Q. Did these men in each of these instances, in effect, 1006 by-pass you finally and get relief for themselves?

A. There is one in there particularly that did.

Q. Well, did the others too?

A. No, the others, I kept talking to the superintendent and eventually he came through.

Q. And the memoranda shows the length of time it took you as general foreman to get these men relief where you got it for them?

*Testimony of James R. Wilkins*

A. That's right.

Mr. Dahling: May I interrupt, Mr. Nelson? May we have the names of each one of those men, the names of the superintendent and the dates on which these matters happened so that we may investigate these matters and put in such testimony on them as we feel is necessary?

Mr. Nelson: Yes, the main proposition. I desire to put in and then I will go over the details.

Q. (By Mr. Nelson) Now, Mr. Wilkins, you are a man of experience, an old time foreman, a modern foreman, will you tell us are these Exhibits 34 to 39, both inclusive, such instances as you desire to take up in collective manner through your association with the Company instead of having them for the way they have in these instances? In other words, are they instances which, as an association, you would reasonably be expected to handle promptly without the delay shown here?

1007. Mr. Donovan: Just a minute. I object to that, Mr. Examiner. I think that is a matter of argument, and certainly not a question to be answered by this witness.

Mr. Nelson: All right, I will put it this way.

Q. (By Mr. Nelson) Are these instances of complaints the kind you would like to take up collectively through the Association with the Company?

A. Yes.

Q. Briefly stated, what was William Wofford, what was his complaint?

A. His was on account of working on the CIO—in other words, he belonged to the CIO Union and acted as assistant foreman.

Q. And he wanted that remedied?

A. That's right.

Q. And you took it up for him?

A. I did.

Trial Examiner Jaffee: When was this?

The Witness: The dates is on the card.

Q. (By Mr. Nelson) In May of 1942?

A. Yes.

Q. Did you get remedy on that case?

*Testimony of James R. Wilkins*

A. Yes, I think I did, after a certain length of time.

Q. What length of time would you say?

A. I think it is on there.

1008 Q. May, 1942, to July, 1943, is that correct, if you remember?

A. I think that is.

Mr. Dahling: What did he want remedied?

Mr. Nelson: He wanted to be advanced to the rank of assistant foreman when he was assuming those duties but he was still in the CIO rank and file and it took him over a year to get it.

Trial Examiner Jaffee: Is that correct, Mr. Witness?

The Witness: Yes, sir.

Q. (By Mr. Nelson) Is that correct substantially?

A. Yes, sir.

Trial Examiner Jaffee: While we are talking about that particular case, did I understand your last answer to be he did get the advance?

The Witness: He did, after a long time.

Trial Examiner Jaffee: Did he remain in the CIO there after?

The Witness: No.

Q. (By Mr. Nelson) That is 14 months, approximately, Mr. Donovan suggests that you tell us to whom you talked for Mr. Wofford?

A. Mr. Benoit.

Q. What is his position?

A. Superintendent.

1009 Q. Now, Petitioner's Exhibit Number 36, Mr. Roy Habson, briefly what is his complaint?

Mr. Dahling: Will you give us the date?

Mr. Nelson: I can give it to you from the card, but I thought you would prefer to have it from the witness' recollection, if he can.

A. His is the same complaint as Wofford's, accounting to the CIO and acting as assistant foreman, working as an assistant foreman.

Q. (By Mr. Nelson) His complaint apparently was originated in July, 1941 and was remedied February 15, 1943. Those dates are approximate, I suppose?

A. Yes.



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Q. Did you take up his complaint?

A. I did.

Q. More than once?

A. Yes, I did, several times.

Q. With whom?

A. With Mr. Benoit.

Q. Did you finally get Mr. Hobson's complaint remedied?

A. Yes.

Q. By being raised to the rank of assistant foreman?

A. That's right.

Q. And he got that correct pay for an assistant foreman?

A. That's right.

1010 Q. Exhibit 37 is the instance of Mr. Julius O. Smith. Is Mr. Smith a man you have known for a long time?

A. Mr. Smith has worked for me on and off for pretty near twenty years.

Q. What was his complaint?

A. His was practically the same complaint. It is right on that card there (indicating).

Q. That is, getting an hourly rate pay and working as an assistant foreman?

A. That's right.

Mr. Donovan: Witness, do you not remember anything except what is on those cards about these cases?

Mr. Nelson: Yes, if you want me to turn him loose; that is what I thought you did not want.

Mr. Donovan: Well, those cards are not very large and you only have six of them. I would like to see how those cases stand out in his own mind without these prepared cards.

Mr. Nelson: All right.

Q. (By Mr. Nelson) Tell us Mr. Smith's story. What happened; why he complained and to whom he went?

A. Mr. Reifel was the general manager and every time I talked to Mr. Reifel, why, he would pull out his black book and make a note in it—now, you are asking for it and I am giving it to you just as you are asking for it—and we would be up on the floor that Mr. Smith had charge of sometimes and, why, we would be

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talking about the men and the operations, and I would say, "Mr. Reifel, when are we going to take care of Jules Smith?" He would just reach in his pocket and pull out his black book and make a note.

Q. (By Mr. Nelson) But did anything ever happen?

A. Nothing ever happened. Then I would go to Mr. Deislinger.

Q. What happened when you saw Mr. Deislinger?

A. Mr. Deislinger would look at me and that's about all I would get out of him. He went on and went on for the length of time there is on that card and nothing was done.

Q. What would you estimate about the length of time? That is one of the things Mr. Donovan wanted you to fix—that you would be talking about these two men?

A. It would be considerably over a year.

Q. What was Mr. Smith doing at that time, working as a maintenance and production worker?

A. Oh, no, he was handling around 100 men and getting around \$1.26 an hour, I think it was.

Q. That is the production rate?

A. That's right.

Q. How was Mr. Smith feeling about it?

Mr. Donovan: Well now, I object to that.

Mr. Nelson: All right, I will withdraw that question.

1012 Q. (By Mr. Donovan) How often did Mr. Smith come to see you and take your time about this matter?

A. I couldn't answer that.

Q. Was it as often as that?

A. Oh, it absolutely was.

Q. I suppose you could tell us how Mr. Smith felt, too?

A. I could answer it in a couple of brief words.

Trial Examiner Jaffee: The next question, please.

Q. (By Mr. Nelson) Well, Mr. Smith finally got a remedy, didn't he?

A. He did.

Q. Petitioner's Exhibit-38, Mr. Robert Nolan. Do you remember that case?

A. I do.

Q. What was he doing?

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A. He was handling the opposite shift to Mr. Smith on nights.

Q. And was being paid how?

A. He was being paid that \$1.26 an hour.

Q. Was he performing the functions of an assistant foreman?

A. He was.

Q. Did he come to you about it?

A. Many times.

Q. What did you do about it?

1018 A. I went to the superintendent about it.

Q. The name of the superintendent, please?

A. Mr. Benoit.

Q. Did you finally get Mr. Nolan a remedy?

A. He was eventually taken care of.

Q. Do you remember, of your own recollection, the period of time it took you to get the remedy?

A. No.

Q. The first date here is August, 1940, and he was made an assistant foreman on August 16, 1942, about two years. Is that your recollection of those circumstances?

A. Whatever is on those cards is correct.

Q. It is the correct date, approximately?

A. Yes.

Q. Petitioner's Exhibit Number 89, Mr. William Bradley.

Is that, in substance, the same situation as you have told us about those other men?

A. No, that's a different situation, Mr. Nelson.

Q. What is the difference?

A. This man got suspicious of me and finally he asked me so many times about getting put on the right classification, finally he said he wanted to go to the Management itself.

Q. Did he?

A. He did.

Q. To whom did he go, if you know?

1014 A. Mr. Deislinger.

Q. And this went on approximately from June, 1941, until he was made a foreman? That is, in July, 1942, is that about the right period?

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A. The dates on there, I think, are correct.

Mr. Dahling: He was made a foreman or an assistant foreman then?

Mr. Nelson: He was made a foreman.

Q. (By Mr. Nelson) Do you remember how many men he was supervising?

Mr. Donovan: When? Before or after?

Mr. Nelson: Before his recognition as such.

A. When he first went on, in 1940, he had about 88 men on the rolls.

Q. (By Mr. Nelson) Did that increase or decrease?

A. It went up as high as 200 on the day shift on the second floor and over a hundred on the third floor.

Mr. Nelson: I offer these in evidence and we offer the witness for cross examination.

Mr. Donovan: Mr. Trial Examiner, Mr. Dahling has some questions of the witness, but I wish to ask the witness, as I indicated a moment ago, a couple of questions about these cards which have been labeled and offered as Petitioner's Exhibits 34 to 39, inclusive.

1015 Trial Examiner Jaffee: Yes, and I will withhold ruling on the introduction until you have completed questioning.

Mr. Nelson: May I ask just one question first?

Mr. Donovan: Yes.

Q. (By Mr. Nelson) Mr. Wilkins, are the kind of complaints shown on Exhibits 34 to 39, both inclusive, complaints that the old-time foremen would have remedied on their own authority and incidentally?

Mr. Donovan: I will object to the question as being purely speculative, calling for a conclusion, prejudicial to the Employer on the record and quite an improper question.

Mr. Nelson: All right, I will put it another way.

Q. (By Mr. Nelson) Could the old-time foreman have remedied these instances promptly with his own authority?

Mr. Donovan: I will object, because "old-time foreman" does not carry any definition to anybody. It is a phrase that might have a meaning as varied as witnesses are. We do not want that sort of thing in the record.

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Mr. Nelson: Such as yours at the Packard Motor.

Trial Examiner Jaffee: The witness may answer what he could have done.

Q. (By Mr. Nelson) Could you have remedied these things?

A. Yes.

Mr. Nelson: Of course, I have raised this, as you know, because the Employers have been talking about that fabulous old man; rather like Rip Van Winkle.

1016 Q. (By Mr. Nelson) How far could you have come in point of time and remedied these situations?

Mr. Donovan: I will object to that, because he has testified they have all been remedied.

Mr. Nelson: No, I mean up to what year during the time he has been a foreman could he have remedied those by himself?

The Witness: I would say between 1915 and 1917.

Q. (By Mr. Nelson) Somewhere in there?

A. Yes.

Mr. Nelson: That is all, Mr. Donovan. I am sorry, I did not mean to interrupt you that long.

Mr. Donovan: Witness, I show you Petitioner's Exhibit 34, which your counsel has displayed to you and which you have handled and from which you testified after refreshing your recollection. You recall that, do you?

The Witness: I do.

Mr. Donovan: Who made that?

Trial Examiner Jaffee: That is, the exhibit itself?

Mr. Donovan: That is right. Who made this exhibit, Petitioner's Exhibit 34?

The Witness: I made it.

Mr. Donovan: It constitutes one, two, three, four, five, six, seven, eight, eight typewritten lines, does it not?

1017 The Witness: I never counted the lines.

Mr. Donovan: You do not think I am misrepresenting that to you?

The Witness: No.

Mr. Nelson: We will take your word for it, Mr. Donovan.

Mr. Donovan: Would you like to verify the fact?

The Witness: No.

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Mr. Donovan: It does constitute eight typewritten lines, does it not, Mr. Wilkins?

The Witness: I said I never counted them; I don't dispute your word though.

Mr. Donovan: Is there any doubt about it in your mind?

The Witness: No.

Mr. Donovan: It is a card about four inches long and three inches wide, is it not?

The Witness: If you say so, yes.

Mr. Donovan: Well, you can see the card, can you not, Mr. Wilkins.

The Witness: Yes, sir.

Mr. Donovan: You have handled it?

The Witness: Yes, sir.

Mr. Donovan: And you say you put the writing on this card?

1018 The Witness: I put the note the typewriting is from, the typewriting that is put on that card form.

Mr. Donovan: You mean, someone else typed the card?

The Witness: That's right.

Mr. Donovan: Who did?

The Witness: I don't just know who did.

Mr. Donovan: Pardon me?

The Witness: I am not certain who typed that card.

Mr. Donovan: Where was it done?

The Witness: It was done on the outside.

Mr. Donovan: What do you mean, done on the outside?

The Witness: It was done by, I think, one of my nieces.

Mr. Donovan: You mean, in your home?

The Witness: I don't know whether it was done in the place she works or where.

Mr. Donovan: You do not operate a typewriter yourself, of course, do you?

The Witness: No.

Mr. Donovan: When was it done?

The Witness: It was done right around, after that date on there.

Mr. Donovan: This is Mr. George Kline's case. Now, as near as you can remember, when was this prepared?

The Witness: The date is on the card.



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1019 Mr. Donovan: No, the only date on the card is contained in the one sentence, "He was made a foreman on August 3rd, 1943." That would not refresh your recollection as to when this card was made, would it?

The Witness: It was made after he was made a foreman, yes.

Mr. Donovan: How long after?

The Witness: I wouldn't know; I don't remember.

Mr. Donovan: And two years and nine months previously this so-called complaint you are talking about had existed and you did not make this memo up until after the expiration of that two years and nine months, is that right?

The Witness: That's right.

Mr. Donovan: When did you do the writing from which the typewritten copy was made?

The Witness: Just after he was made a foreman.

Mr. Donovan: Well, how long before it was typewritten up?

1020 The Witness: I would say in the course of a week.

Mr. Donovan: Why did you do that?

The Witness: I have always had a habit of keeping those notes on certain things that I was interested in.

Mr. Donovan: With reference to this Exhibit 35, 36, 37 and 38, were they all written up at about the same time by your niece who typewrote them for you?

The Witness: Yes.

Mr. Donovan: What use did you have in mind of making of these complaints as you have called them?

Mr. Nelson: He did not call them complaints, he called them memoranda.

Mr. Donovan: You did and he did but I don't know what you call them. They speak for themselves. They were referred to as complaints without remedy.

Mr. Nelson: What are on the paper are complaints, but the papers themselves are not a complaint.

Mr. Donovan: Why did you make all these written complaints and call them what you like, sometimes long after the complaint itself originated, as in the case of the George Kline case on Exhibit 34 and the names on the other Petitioner's Exhibit? Why did you prepare and

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assemble all those complaints some time after August 31, 1943?

1021 Trial Examiner Jaffee: I don't get it? Some time after August 31, 1943?

Mr. Donovan: That is the date he fixes for the writing of the complaints.

Trial Examiner Jaffee: All of them?

Mr. Donovan: No, he says in each case, but Exhibit 35—he says he wrote them all up about the same time. Exhibit 35 is July 26, 1943, which would be about thirty days different; Exhibit 36 is February 15, 1943; Exhibit 37, March 27, 1944; Exhibit 38, August 15, 1942, is the day on here for the making of the man assistant foreman, and Exhibit 39 I am unable to inform the Trial Examiner about—it is a different sort of paper and I am going to get to that. I would like the witness to answer me why, regardless of the date, he prepared all these memoranda and assembled them and brought them in here.

The Witness: That is on account of Mr. Bradley accusing me of not being loyal and not doing my job.

Mr. Donovan: Mr. Bradley of Packard Motor Car Company?

The Witness: He is one of the men on the card there, Mr. William Bradley, he is a foreman under me now.

Mr. Donovan: You made these memoranda as matters of self protection then?

1022 The Witness: I did.

Mr. Donovan: How did you happen to bring them in here? How did you know anyone wanted them in here?

The Witness: Well, I didn't know anybody wanted them here. I had them made out and they were in my pocket. To be right about them, they were in my pocket ever since those cards were made out, ever since Mr. Bradley accused me of not trying to get his classification changed.

Mr. Donovan: And who asked you to bring these memoranda into court?

The Witness: Nobody.

Mr. Donovan: You just brought them?

The Witness: I did.

Mr. Donovan: And you are using them because you feel

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that management was too slow in these cases in following your original recommendation?

The Witness: Yes, sir.

Mr. Donovan: And you do not agree with management's disinclination to act in these five cases as fast as you thought they should?

The Witness: No.

Mr. Donovan: As a matter of fact, you do not agree with management's disposition of your own status when you went to foreman, as you testified, to the rank  
1023 and file? You don't think that it was right in your opinion, I believe, you said so on the stand, did you not?

A. No, I didn't say that.

Mr. Donovan: You think that management was all right in that action?

The Witness: No, I do not.

Mr. Donovan: I understood that from your testimony, Mr. Wilkins, that you are definitely complaining about that.

The Witness: I wasn't complaining about that at that time, but seeing that you are asking me, I don't think it was.

Mr. Donovan: You did not complain about it at the time but you regarded it as a complaint at that time?

The Witness: I didn't do anything about it because I knew there was no use.

Mr. Donovan: During the months, I believe, in 1940, approximately, when you were separated from the employment at the Packard Motor Car Company, were you out of a job?

The Witness: Yes.

Mr. Donovan: Did you make an attempt—you had been a foreman, hadn't you?

The Witness: Yes.

Mr. Donovan: You had been a worker at the Packard plant for some thirty-five years?

1024 The Witness: Thirty years at that time, about thirty-one years.

Mr. Donovan: Did you make any attempt to obtain employment elsewhere during that period?

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The Witness: No, I was busy all the time.

Mr. Donovan: You wanted to go back to Packard's?

The Witness: Sure.

Mr. Donovan: You got back to Packard's?

The Witness: I did.

Mr. Donovan: How old were you when you went to Packard's the first time when you first went there?

The Witness: I am sixty-two now and I was about twenty-eight years old.

Mr. Donovan: How far along in school did you go when you were younger?

The Witness: The eighth grade.

Mr. Donovan: You stopped at the eighth grade?

The Witness: That is right.

Mr. Donovan: Mr. Examiner, we will object to the exhibits in question, 34 to 39 inclusive, on the ground they are irrelevant, incompetent and immaterial here.

Trial Examiner Jaffee: Well, I think they ought to come in if only for the reason that without them this transcript, to a certain extent, will be unintelligible.

Mr. Dahling: Then, I move, Mr. Examiner, that the  
1025 testimony of Mr. Wilkins with respect to all of these exhibits and the testimony in relation to them and his testimony as refreshed, as he said, by these exhibits, be stricken as irrelevant, incompetent and immaterial.

Trial Examiner Jaffee: No, I think they ought to be received and it is not for me to comment about the weight to be given the testimony and what bearing it has on the case, beyond the fact that I think they are admissible and they are accordingly received.

(The documents heretofore marked Petitioner's Exhibits 34, 35, 36, 37, 38 and 39 for identification were received in evidence.)

Mr. Dahling: May we proceed with our cross-examination?

Trial Examiner Jaffee: Yes.

**Cross-Examination.**

Q. (By Mr. Dahling): It was my understanding, Mr. Examiner, that Mr. Donovan was merely asking certain

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questions about the exhibits and relative to their admission and that was not considered part of the main cross examination.

Mr. Nelson: I shall not raise any objection as to the technical matters as to who cross-examines. If I put a witness on the stand he will have to stand for cross-examination that the Company gives him.

1026 Q. (By Mr. Dahling): Mr. Wilkins, you stated that in 1940 you were made an assistant foreman in the division in which defects in cars were remedied and that you had 100 to 125 men under your supervision, that is correct, is it?

A. Yes.

Q. Was there any foreman in that department?

A. Yes, sir.

Q. Was there any other assistant foreman?

A. No.

Q. You just had a foreman and an assistant foreman and you were the assistant foreman?

A. Yes.

Q. In 1918, if my notes are correct, you were made a general foreman, is that correct?

A. That is the title I carried.

Q. All right. Were you or were you not a general foreman?

A. I was told I was.

Q. Did you carry out the duties of a general foreman?

A. Well, I had two departments.

Q. Does the foreman usually have more than one department?

A. Not as a rule.

Q. Did they in those days?

1027 A. No, I don't think so.

Q. Well, then, what did you mean by your statement "I was told I was a general foreman"? Why did you use "I was told I was a general foreman"?

A. Well, when I had been talking to the manager about it he would say, "You are the general foreman."

Q. You were given a raise in pay, I believe, at that time?

A. Yes.

*Testimony of James R. Wilkins.*

Q. And you had 150 men under your supervision, is that right?

A. Around 125, I said.

Q. Well, how many other supervisors were there in that department at that time?

A. There were probably a couple of leaders, but I wouldn't even call them straw bosses.

Q. You had no assistant foremen?

A. No.

Q. And you had no foremen under you?

A. No.

Q. You ran the whole department then, didn't you?

A. That is right.

Q. That would be quite a responsibility, as I take it?

A. That is right.

Q. And you did a good job of it?

1028 Trial Examiner Jaffee: Will you keep your voice up, please, I cannot hear you?

Mr. Dahling: You did a good job of it?

Mr. Nelson: Well, we admit he did answer it?

The Witness: Yes.

Mr. Dahling: You did?

The Witness: Yes, sir.

Mr. Nelson: The Company admitted that by keeping him so long.

Mr. Dahling: I am not questioning that Mr. Wilkins is not a good foreman.

Mr. Nelson: He is and you can go right ahead now.

Q. (By Mr. Dahling): You were giving us a little ancient history, Mr. Wilkins, you went back to the year 1913; how many employees did Packard Motor Car Company have at that time?

A. I really don't know.

Q. Can you make any estimate?

A. No, if I did it would not be right.

Q. How many foremen did they have at that time?

A. I really don't know.

Q. How many general foremen did they have?

A. I don't know.

Q. How many cars did they produce?

A. In 1914 I know what they were trying to build.